

Revue
internationale
d'étude du
dix-huitième siècle

RIEDS IRFCS

International
Review for
Eighteenth-Century
Studies

Vol. 4

Citizenship in the Enlightenment
Citoyenneté des Lumières



Hermès et le télégraphe

— d'après le frontispice de l'Almanach de la Convention Nationale, Paris, an II

CITIZENSHIP IN THE ENLIGHTENMENT

CITOYENNETÉ DES LUMIÈRES

The International Review of Eighteenth-Century Studies (IRECS) is an electronic series published by the International Society for Eighteenth-Century Studies (ISECS) and its member societies. It contains papers presented at various ISECS colloquia, as well as thematic dossiers. The Executive Committee of the ISECS acts as the Editorial Board of the IRECS.

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La Revue internationale d'étude du dix-huitième siècle (RIEDS) est une série électronique publiée par la Société internationale d'étude du dix-huitième siècle (SIEDS) et ses sociétés membres. Elle contient des communications présentées lors de divers colloques de la SIEDS et des dossiers thématiques. Le Comité Exécutif de la SIEDS forme le comité de rédaction de la RIEDS.

Citizenship in the Enlightenment

Citoyenneté des Lumières

edited by / sous la direction de
Conrad Brunström (Maynooth University)

International Review of Eighteenth-Century Studies (IRECS)
Revue internationale d'étude du dix-huitième siècle (RIEDS)

Vol. 4

International Society for Eighteenth Century Studies (ISECS)
Société internationale d'étude du dix-huitième siècle (SIEDS)

www.isecs.org

2018

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ISSN 1797-0091

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Conrad Brunström
(*Maynooth*)

Introduction

Citizenship and Oratory

This special issue of *IRECS* seeks to consider a variety of international responses to changing definitions of citizenship in the long eighteenth-century. Central to such discussions is the question of whether citizenship can embrace heterogeneous identities and whether a national identity that implicitly affirms national entitlements is compatible with large nation states.

Discussions of oratory, its political importance and perceived decline, in the eighteenth-century illustrate a variety of contradictory attitudes to cities, both real and imagined. On the one hand, the rhetorical continuity between the idea of the city, the idea of the citizen, and the civic obligation of political participation is undeniable. Urbanity and civility are easily opposed to a version of rusticity that cannot visualise the kind of communality required to construct or maintain a commonwealth. As is declared in the Book of *Ecclesiasticus* (38: 25): “How can he get wisdom [...] whose talk is of bullocks?” The problem, from the point of view of a purely agrarian republican patriotism, is that farmers have few people with whom to converse. The skills set and diversity of experiences required to create a patriotic orator are decidedly urban and accordingly isolated farmers are not to be regarded as citizens, unless they come within the affective centrifugal influence of a city. Villagers are not citizens, because a village does not have a forum or an agora and a village does not claim any degree of political and economic autonomy.

However, the same historians who praised the Republican city of Rome were typically scathing of Imperial Rome, a vast metropolis not to be rivalled in terms of its population until the end of the eighteenth-century by Beijing and London. The Imperial city denounced by Juvenal is incapable of being a civic space not merely because Rome was governed by an emperor and a rubber-stamp senate, but because Rome was no longer populated with citizens possessing requisite civic virtue. By the early eighteenth-centuries, the metropoli of London and Paris were generally admitted to resemble the Rome of Juvenal more than the Rome of Cato the Elder.

The Roman republic nostalgically evoked by Plutarch contains both a city and a rural hinterland. The most exemplary of Plutarchian republican heroes is Cincinnatus who is also the greatest republican role model for George Washington, one who farms his lands and defends the polis in time of crisis before voluntarily ceding supreme power so as to return to ploughing. The classic republican city is, critically, within walking distance of its own means of subsistence. It provides a centripetal market for its agricultural hinterland rather than threatening to overwhelm it.

Oratory has long been deemed incompatible with political absolutism. Rousseau was merely the most prominent of eighteenth-century theorists to affirm that oratory and centralised absolute monarchy were incompatible phenomena:

Dans les anciens temps, ou la persuasion tenoit lieu de force publique, l'éloquence étoit nécessaire. À quoi serviroit-elle aujourd'hui, que la force publique supplée à la persuasion? L'on n'a besoin ni d'art, ni de figure pour dire, tel est mon plaisir. (*Essay on the Origin of Languages*).¹

A large centralised polity largely unchecked by any deliberative assembly is incapable of nurturing oratory. If a nation claims to be “free”, therefore, the breadth and depth of its oratorical competence is likely to stand as a critical indicator.

¹ Jean-Jacques Rousseau, *Essai sur l'origine des langues*, ed. Charles Porset, Bordeaux, 1968, p. 197-201.

Without a sovereign deliberative body, government is carried on by means of written commands rather than by speeches. The written word super-cedes the spoken word, creating that “dangerous supplement” so exhaustively considered by Derrida.² For related reasons, Rousseau defers the experience of reading for Emile, eventually permitting him to read *Robinson Crusoe* as a heroic tale of auto-sufficiency. The story of a man alone on an island with no books to read is an “anti-book” in many ways. Yet as Peter France notes, Rousseau’s optimal tutor is equally scathing of traditional oratorical and rhetorical training, declaring that it is absurd to expect boys to learn to speak before they have learned to live and that “things” rather than “words” should be the first object of a truly organic and experiential education. France does, however, recognise that Quintilian makes an important distinction between “manly” speech and “effeminate” persuasion – a distinction which is sympathetically Rousseauian in a number of key respects:

Rousseau’s treatise implies a non-formalistic art, based on the correspondence of words to things and words to emotions. If this were as natural as he sometimes implies, it might not seem to deserve the title of art. But as with Condillac (or Adam Smith in Scotland), it is clear that this way of speaking needs encouragement and practice. There is an art of the natural – which of course the rhetoricians knew all along.³

How is the reclusive Emile, inspired by the solitary Crusoe, to train as a republican orator when he has no audience to react to? Arguably, the ethos of retirement championed by Rousseau provides its own version of political legitimacy by cherishing a cult of personal authenticity. It is because Emile has no audience that his speech will be powerful. It is because he lacks urbanity that he will command political authority (he will, as it were “dance like no one’s watching”). In modern European cities, courtesies have been worn out with overuse, language itself degraded by sophistry and intrigue with the consequence that only someone living in complete isolation can hope to compel attention. Given the

² Jacques Derrida, *Of Grammatology*, translated by Gayatri Chakravorty Spivak, Baltimore, The Johns Hopkins University Press, 1976, p. 141-164.

³ Peter France, “Quintilian and Rousseau: Oratory and Education” *Rhetorica*, v. 13, n. 3, 1995, p. 317.

degeneracy of eighteenth-century Europe, anything that opposes dominant strands of fashionably emulative education will confer a clarity and a distinctiveness that cannot but prove highly seductive, by dint of its very freshness.

As if to reinforce Rousseau's argument, in 1774, Frances Burney records a conversation about the respective rhetorical skills of Philip Stanhope, natural son of the Earl of Chesterfield, and Omai, recently arrived in London from Tahiti with Captain Cook:

The Conversation of our House has turned ever since upon Mr *Stanhope* and *Omai* – the first with all the advantage of Lord Chesterfield's instructions, brought up at a great school, introduced at fifteen to a Court, taught all possible accomplishments from an infant, and having all the care, expense, labour and benefit of the best education that any man can receive, proved after all a meer *pedantic booby*; the second with no tutor but Nature, changes, after he is grown up, his dress, his way of life, his diet, his country and his friends; and appears in a *new world* like a man who had all his life studied *the Graves*, and attended with unremitting application and diligence to form his manners, and to render his appearance and behaviour *politely easy* and *thoroughly well bred*: I think this shows how much more *Nature* can do without *art*, than *art* with all her refinement unassisted by *Nature*.⁴

Omai's self-fashioning succeeds brilliantly because of a lack of self-consciousness, a critical disinterestedness. Young Stanhope's education has been both oppressive and instrumentalist – its politic choreography undermining itself with over deliberation.

Rousseau is of course, a powerful influence on subsequent traditions of agrarian civic republicanism. Agrarian civics, ought to be a contradiction in terms, but even without influence of the contrarian Rousseau, it is not. A particular idealised vision of a smallish city must be preserved to recreate the idea of a public space worth making a good speech in. The exact ratio and relationship between brickwork and ploughable field required to sponsor civic republican oratory is imprecise.

⁴ Frances Burney, *Journals and Letters*, selected with an introduction by Peter Sabor and Lars E. Troide, Harmondsworth, Penguin, 2001, p. 33.

Adam Ferguson meanwhile meditates on the paradoxes of the origins and trajectories of so-called “civilisation” in the course of his *Essay on the State of Civil Society* (1767):

When the historian is struck with the events he has witnessed, or heard; when he is excited to relate them by his reflections or his passions; when the statesman, who is required to speak in public, is obliged to prepare for every remarkable appearance in studied harangues; when conversation becomes extensive and refined; and when the social feelings and reflections of men are committed to writing, a system of learning may arise from the bustle of an active life. Society itself is the school, and its lessons are delivered in the practice of real affairs. An author writes from observations he has made on his subject, not from the suggestion of books; and every production carries the mark of his character as a man, not of his mere proficiency as a student or scholar. It may be made a question, whether the trouble of seeking for distant models, and of wading for instruction, through dark allusions and languages unknown, might not have quenched his fire, and rendered him a writer of a very inferior class.⁵

Allied to this phonocentrist nostalgia is an occidentalist proto-anthropology which constructs native North Americans as ideal republican orators. Occidentalism is a developmental habit of thinking which enables time and space to be plotted against one another. To understand the Iroquois one should read of the Spartans and to know the Spartans one should imagine the Iroquois. Such people may be utterly estranged from the modern idea of the city while being ideal citizens. Ferguson’s admiring conception of Native North American oratory supposes an essentially holistic model of existence that is cognate with Rousseau’s Crusoe inspired upbringing for Emile, albeit communitarian rather than solitary:

In these happy, though informal, proceedings, where age along gives place in the council, where youth, ardour, and valour in the field, give a title to the station of leader; where the whole community is assembled on any alarming occasion, we may venture to say, that we have found the origin of the senate, the

⁵ Adam Ferguson, *An Essay on the History of Civil Society*, ed. Duncan Forbes, Edinburgh, Edunburgh University Press, 1966, p. 176.

executive power, and the assembly of the people, institutions for which ancient legislators have been so much renowned. The senate among the Greeks, as well as the Latins, appears, from the etymology of its name, to have been originally composed of elderly men. The military leader at Rome, in a manner not unlike to that of the American warrior, proclaimed his levies, and the citizen prepared for the field, in consequence of a voluntary engagement. The suggestions of nature, which directed the policy of nations in the wilds of America, were followed before on the banks of the Eurotas and the Tyber, and Lycurgus and Romulus found the model of their institutions where the members of every rude nation find the earliest mode of uniting their talents, and combining their forces.⁶

In 1767, Ferguson had yet to cross the Atlantic or make any close observations of the senates he describes. His desire to offer living examples of republican virtue to point to is stronger than any sense of empirical rigour on his part. Unlike Thomas Sheridan, John Walker, and other phonocentric pedagogic reformers, Ferguson cannot imagine any attempt to retrieve patriotic oratory in isolation from those socio-economic circumstances which inspired the works of Demosthenes and Cicero. The phrase “suggestions of nature” indicates a Rousseauian sense that self-fashioning should flourish organically from an environmental premise rather than being reducible to a recipe.

Nobody was better placed to theorise the relationship between oratory and the larger political and economic order than Adam Smith, whose professorial responsibilities make interdisciplinarity look more like an onerous obligation than a pedagogic opportunity. His Edinburgh and Glasgow lectures on *Belles Lettres*, insofar as they are recoverable from student lecture notes, do not evidence a strict division between the spoken and the written word. What is evident, however, is an emphasis of clarity and economy of expression derived from his admiration for Jonathan Swift that is incompatible with a form of language that is too far removed from natural speech patterns. When Smith rejects elaborate parenthetical clauses, he is cherishing an expressive model based on the idea of a speaking voice rather than an eye that can move up and down on a page in order to arrange and compare

⁶ Ferguson, p. 85.

clauses. Michael Carter summarises Smith as a teacher of rhetoric thus:

The second indication of the subordination of rhetoric was suggested in the lack of contemporary application for classical rhetorical theory. In the discussion of belletristic and didactic writing, Smith used examples of both modern and ancient writers. For description he mentioned, among others, Spenser, Shakespeare, Milton, Addison, and Gray. For narration, he used Machiavelli, Lord Clarendon, Bishop Burnet, and Racine. And for didactic writing he included Descartes and Newton. When he treated oratory, however, he used no examples from among the moderns, concentrating instead on extended analyses of the speeches of Cicero, Demosthenes, and other ancient rhetors. His only mention of modern oratory came at the very end of the lectures, almost as an afterthought, when he discussed how little modern speeches resembled the great oratory of the past. His attitude was evident: classical rhetoric was simply of historical interest, a specimen in amber, without application to modern forms of discourse [...]⁷

Oratory lacks modern exponents for Smith, it seems reasonable to extrapolate, because the socio-economic conditions that favoured oratory in the past no longer exist. The ideal of the oratorically active city cannot be trusted to modern urbanites, therefore, in part because the very division of labour (theorised by Smith and Ferguson) in a technologically advanced environment makes effective civic participation impossible. A city is its people, but it also corrupts its own people. Wisdom is not only unavailable just to those “whose talk is bullocks”, it is equally impossible for those whose talk is saddle-making, coopering, tailoring and lamp-lighting.

The discussion of the paradoxes of eloquent agrarian republicanism engages not merely the philosophers of Paris and Edinburgh, but also an array of more transient pamphleteers and polemicists whose buzz words and unexamined prejudices are perhaps more truly representative of anything that really deserves

⁷ Michael Carter, “The Role of Invention in Belletristic Rhetoric: A Study of the Lectures of Adam Smith”, *Rhetorical Society Quarterly*, v. 18, n. 1, 1988, p. 8.

to be called a Habermasian “public sphere” in the eighteenth-century.

The Irish elocution fanatic, Thomas Sheridan was an appreciative reader of Montesquieu who believed that constitutional forms of government are less significant than the cultivation of political virtue – and that political virtue depended on re-energising in turn the cultivation of the spoken voice. Sheridan is one of a number of writers who posit native North-Americans as natural orators, a circumstance that Smith and Ferguson would attribute to the fact that their society has not yet succumbed to the division of labour. Sheridan is less of an Epimethean pessimist when it comes to eighteenth-century technologies. Not coincidentally an admirer of Chesterfield (briefly but critically Lord Lieutenant of Ireland), Sheridan regards the perfection of printing as a way of revivifying the spoken word, by disseminating its instruction more widely than ever before:

The invention of printing has given us an amazing advantage over the antients [sic]. As their books were all transcribed, their number of copies could not be so easily multiplied, nor, consequently, fall into so many hands. And the expense of purchasing these written copies was so great, that most persons, except those of fortune, were in a manner precluded from the use of them. Accordingly we find that the people in general were wholly illiterate. Whereas amongst us, by means of the presss, and the cheapness of books, there are hardly any so low who may not acquire knowledge by the eye as by the ear. Hence it is manifest that skill in our own language might easily become more universal now, than it could be in their days.⁸

Like Chesterfield, Sheridan believes that authenticity can be “faked”, in that oratorical excellence can be broken down into component parts and rehearsed. Just as Pascal believed that liturgical repetition of prayer could create a rhythmic predisposition to prayerfulness even when the heart was lacking, so Sheridan believed that the exercise of oratory could mould an oratorical disposition even for those raised in a corrupt society.

⁸ Thomas Sheridan, *British Education, Or, The Source of the Disorders of Great Britain*, London, Printed for R. and J. Dodsely, 1756, p. 248.

Perhaps the most extreme attack on metropolitan manners to be found in the eighteenth-century comes from John “Estimate” Brown, who theorised the capture of Minorca by the French from the British at the beginning of the Seven Years in terms of an epidemic of “selfish effeminacy” overtaking the British ruling classes.

It was a shrewd Observation of a good old Writer, “How can he get Wisdom, whose Talk is of Bullocks?” But *Rusticity* is not more an enemy of Knowledge, than *Effeminacy*; With the same Propriety therefore it may now be asked, “How can he get Wisdom, whose Talk is of *Dress*, and *Wagers*, *Cards* and *Borough-jobbing*, *Horses*, *Women*, and *Dice*?” The Man of Fashion is indeed cut off from the never Means of solid Instruction. His late Hours occasion a late rising; and thus the Morning, which should be devoted to the Acquisition of *Knowledge*, is devoted to *Sleep*, to *Dress*, and *Ignorance*.⁹

The distinction between cultivated urbanity and metropolitan luxury has never been a stable or secure one. For a paranoid masculinist like John Brown, the critical moment of decay occurs when men live more indoors than outdoors and when private dwellings are more ornate than public buildings.

Given the Brown’s severely and admiringly Spartan political aesthetic, the critical qualification for virtuous oratory is not just a dollop of agrarian virtue, but a celebration of holistic outdoorsiness that promotes the polis over the oikos, the market place over the hearth. Given the extreme masculinism of Brown’s version of civic republicanism, public spirit (and therefore public oratory) depends on a temperamental preference for outdoor assemblies over indoor chicaneries.

What happens when a city becomes too big for everyone to speak? What happens to a polity too large to accommodate direct democracy? The eighteenth-century European urban experience suggests that the city and the polity breaks down in to clubs. Within the club, the critical civic responsibility is a hospitable one as well as an ability to drink whatever beverage the

⁹ John Brown, *An Estimate of the Manners and Principles of the Times*, London, Printed for L. Davis and C. Reymers, 1757. p. 74.

club deems appropriate. Brian Cowan has evidentially demolished the Habermasian coffee house as an institution that initiated or significantly expanded such a thing as a “public sphere”.¹⁰ More intimately informed investigative urban commentaries who flourished c.1700 (such as Ned Ward) confirm the reality that beer and ale based club discourse was far more prevalent for far more of the time than clubs regulated by expensive beans such as coffee and chocolate.¹¹

Clubs operate at the interstices of the public and the private, depending on their membership criteria. An overconcentration on the exclusionary discursive context of bean-based clubs at the expense of more accessible beer-drinking fraternities has boosted a more straightforward agrarian republican lineage since such coffee clubs are more likely to be dominated by those with a recuperative “country seat”. Agrarians, whether as sophisticated as Rousseau or as crude as Brown, are unable to accommodate the vitality of urban club culture into their sense of republican “civility”. Club culture creates knowable communities forged by elective affinity rather than by accident of geography. Such clubs also form knowable political communities, complete with constitutional and elective mechanisms to ensure the rotation of offices. They also provide spaces small enough for everyone to speak and, more importantly, to listen. In the final analysis, any study of oratory in the eighteenth-century either avoids or confronts a practical problem that absorbed many at the time and subsequently: the problem of the acoustic limits of civilisation.

The papers in this issue of *IRECS* all address, in different ways, the question of what makes a good citizen. In a striking and original argument, Eoin Daly argues that Rousseau’s formulation of the virtuous citizenry, far from being absorbed into an all-powerful “General Will”, best functions for the most part in a state of virtuous retirement. Refuting the notion that Rousseau rejected representative government, Daly outlines a form of agrarian

¹⁰ Brian Cowan, “Mr Spectator and the Coffee House Public Sphere”, *Eighteenth-Century Life* (2004), p. 345-366.

¹¹ For a perspective on political and debate that treats alcohol-based clubbability as far more significant, See Jason M. Kelly, Riots, “Revelries and Rumor: Libertinism and Masculine Association in Enlightenment London”, *Journal of British Studies*, v. 45, n. 4, 2006, p. 759-795.

republicanism in which political participation is de-privileged as a site of civic virtue and practical freedom consists of being largely unmolested by decision makers. Yannick Deschamps offers an article on the early Scottish Enlightenment that stresses the influences of Cicero and Seneca in forming a model of citizenship that is simultaneously active and reflective. This essay also notes the significance of practical and agricultural endeavours and the commitment to a “commonweal” they represent, offering a diverse set of “citizenships” that straddle political affiliations as apparently polarized as Republicanism and Jacobitism. In this context, the significance of various “militia movements” cannot be overstated as a means of demonstrating a commitment to the defense of the state as well as independence from the encroachments of the state. Marcelo Luzzi, meanwhile, offers a discussion of how ideas of citizenship qualify and disqualify people in the context of a transatlantic Spanish society from the beginning of the eighteenth-century. This essay considers philosophical debates regarding the meaning and the status of “the stranger” in civil society as well as the significance of “voisinage” or “neighbourhood” as a knowable territory. It makes the melancholy reflection that “la distinction ontologique reposait donc, à la fin du XVIII^e siècle, sur la couleur de la peau”, suggesting that citizenship cannot be detached from entrenched racialized assumptions. In a related article, Elena Fernandez Fernandez describes how concepts of “whiteness” inform the questions of emergent Latin American nationalities in the aftermath of the Napoleonic transformation of Europe. This essay considers how one version of white supremacy (championed by the suitably named “Blanco White”) is countered by a refreshing defence of the energetic hybridity of “mestizos” and “mulattos”. Fernandez makes it clear that these debates regarding civic inclusion and exclusion cannot be separated from the power-politics of transatlantic trade. The issue concludes with a discussion by Ployjai Pintobtang of how Jean-Louis Delolme influenced Federalist debates in the United States, demonstrating the sophistication of transatlantic discussions of any supposed optimal relationship between the executive and legislative branches of government. This article demonstrates the transatlantic intellectual networking that informed the most pivotal discussions regarding the shape and purpose of the new American republic.

All of these papers register the central significance of understanding citizenship not merely legally but imaginatively and emotionally. The effort in the eighteenth-century to valorize the concept of “the citizen” is at one and the same time a work of retrieving an idealized version of antiquity as well as a work of fully understanding the dominant political energies of an increasingly complex and self-consciously uncertain modernity. Above all, (long) eighteenth-century debates regarding “citizenship” involve disturbing debates regarding who really “counts” in social and political terms and whether civic pride is always based on exclusionary criteria.

The ISECS editorial committee would like to particularly thank Maria Susana Seguin for her work translating one of the articles in this issue.

Eoin Daly
(Galway)

Citizenship, sovereignty and antipolitics in Rousseau

Introduction

[...] one must not count on the lively (*vif*) but short-lived enthusiasm following the recovery of liberty. Popular heroism is a moment of ardour (*fougue*), followed by lethargy (*langueur*).

Jean-Jacques Rousseau, *Constitutional Plan for Corsica*¹

Rousseau is traditionally understood as something akin to a democratic absolutist, chiefly because of the centrality of popular sovereignty – unmediated and unrepresented – in his thought. However, recent scholarship has emphasised the very modest and limited nature of the “sovereignty” that he assigns the people. Rather than understanding sovereignty, in Hobbesian terms, as a faculty of rule or of command, he frames it as something more akin to constituent power, the power to found rather than to the power to rule. Richard Tuck, in particular, has argued that Rousseau helped adapt democracy to modern conditions by crafting a distinction between “sovereignty” as a kind of founding or constituent power, which belonged to the people, and “government” – essentially all other state power – which could be divested to intermediary bodies. Thus “sovereignty”, in this light, is reconcilable with constitutional checks and balances, with a kind

¹ Jean-Jacques Rousseau, *Projet de Constitution pour la Corse*, Paris, Nautilus, 2000, p. 88 (hereinafter: *Corsica*). Note: French-English translations are my own unless otherwise stated.

of a separation of powers, and with a quintessentially modern division of political labour where the people founds and legitimates, but does not rule. In this paper, I will argue that Tuck's thesis concerning Rousseau's *constitutional* thought is borne out in Rousseau's *social* vision for citizenship in his plans for new eighteenth-century republics in Corsica and Poland, and in a reformed republic in Geneva. In these constitutional plans, he envisages citizenship as being lived out in a kind of agrarian tranquillity, removed from the tumult of politics. Citizenship and political *action* are effectively dissociated. Essentially, the apolitical or even antipolitical nature of the citizenship he depicts, in the social and cultural realm, both stems from and reinforces the modest understanding of sovereignty that he crafts at the constitutional level – and which has been so commonly and so fundamentally misunderstood. I will also show how Rousseau's elision of politics and political action, in the lived experience of citizenship, allows citizens to realize a different kind of freedom – distinct from classic republican freedom – and of a kind that is feasible in early modernity. In summary, then, Rousseau's social vision for republican citizenship rejects the emancipatory potential of political action.

Challenging the democratic-absolutist view

Rousseau has often been understood as a theorist of democratic absolutism.² There are interesting possibilities for explaining this understanding in historical terms; including, especially, the Jacobin uses of Rousseauian terminologies during the French revolution, or more recently, perhaps, the influence of anti-totalitarian thought on twentieth-century interpreters, including Hannah Arendt's critique of Rousseau as anti-pluralist.³ In any event, the impression still persists in political-philosophy circles. Most notably, perhaps, Philip Pettit (as perhaps the leading contemporary philosopher of republicanism) has interpreted Rousseau as an outlier in the republican canon, as an almost suspicious figure lying outside the more respectable confines of an

² See in particular J.L. Talmon, *The Origins of Totalitarian Democracy*, London, Penguin, 1952.

³ See e.g. Margaret Canovan, "Arendt, Rousseau, and Human Plurality in Politics", *Journal of Politics*, v. 45, 1983, p. 286, 289.

Italian-Atlantic republican tradition which, he argues, is focused on non-domination, checks and balances, the rule of law and so on. Chiefly because of Rousseau's emphasis on the indivisibility and unassailability of popular sovereignty, Pettit has almost stigmatized him as dangerous, as a "continental romantic".⁴

Historical factors aside, this democratic-absolutist understanding is most obviously influenced by Rousseau's use of the concept of sovereignty. In Pettit's understanding, Rousseau's embrace of popular sovereignty results in the "total subjection" of the citizen to the general will, the corporate will of the political community.⁵ Taken together with his rejection of political representation, Rousseau's popular sovereignty is interpreted as meaning that citizens must directly govern, and directly participate in politics, requiring "direct legislative action by all citizens",⁶ or even "the active and ceaseless participation of the people [...] in the affairs of the state."⁷

In effect, this analysis assumes that Rousseau adopts a Hobbesian *concept* of sovereignty as something akin to a supreme power of political command, while – unlike Hobbes – insisting it remains with the people. Thus insofar as Hobbes is an absolutist, it is often assumed that Rousseau deploys Hobbesian concepts for democratic ends, and so is a democratic absolutist, simply because he recognizes no limits on the power of the (popular) sovereign over the individual citizen.⁸ From the perspective of neo-Roman republicans like Pettit, this is dangerous, and to be stigmatized, because it rejects the institutional checks and balances, or the dispersal of power, that are assumed as being necessary to protect individuals from governmental domination. Indeed from this perspective, the concept of sovereignty *tout court* is held in

⁴ Philip Pettit, *Republicanism: A Theory of Freedom and Government*, Oxford, Clarendon Press, 1997.

⁵ Philip Pettit, *On the People's Terms: a Republican Theory and Model of Democracy*, Cambridge University Press, 2013, p. 14.

⁶ Stephen Ellenburg, *Rousseau's Political Philosophy: An Interpretation from Within*, Cornell UP, 1976.

⁷ See generally Talmon, *The Origins of Totalitarian Democracy*.

⁸ See generally Robin Douglass, *Rousseau and Hobbes: Nature, Free Will and the Passions*, Oxford, Oxford University Press, 2016; Peter Steinberger, "Hobbes, Rousseau and the Modern Conception of the State", *The Journal of Politics*, n. 70. 2008, p. 595.

suspicion because of its connotations of indivisible, unaccountable, unassailable power.⁹

However, this once-dominant view has been convincingly challenged in recent scholarship. Insofar as the democratic-absolutist reading stems from Rousseau's embrace of popular sovereignty, it rests on a misreading of the concept of sovereignty in his thought. The democratic-absolutist reading, as explained, assumes that Rousseau adopted and democratized the essentials of the Hobbesian concept, thus vesting the people, as an almost sacralised political entity, with unassailable and unlimited political power. However, despite important parallels with Hobbes' thought,¹⁰ Rousseau arguably uses the concept of sovereignty to refer to an entirely different kind of political power and status, and indeed addresses it at an entirely different problem of politics.

Where Pettit, in particular, identifies Rousseau's popular sovereignty with democratic absolutism, this assumes that the people, in Rousseau's account, has the same attributes as Hobbes's sovereign – such that the people, in effect, constitutes a kind of supreme political authority that is both unlimited and unassailable in the scope of its jurisdiction and undivided in its constitution and form.¹¹ In particular, the *indivisibility* of Rousseau's sovereign necessarily entails an undivided, and therefore an unchecked form of popular government.

However, on the one hand, this overlooks a thoroughly modern distinction that Rousseau observes between the “sovereign”, as a kind of background authorising power, and the “government” which executes its legislative will and administers the state.¹² Thus while the sovereign itself is indivisible, this is consistent with a model of “mixed” government, precisely because the sovereign does not govern. By contrast, Hobbes had been

⁹ See especially Pettit, *On the People's Terms*.

¹⁰ See generally Douglass, *Rousseau and Hobbes*.

¹¹ For an overview of certain commonalities, see Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy*, Cambridge University Press, 2016.

¹² See generally Tuck, *ibid*.

“adamant that a ‘mixed state’ was a contradiction in terms”.¹³ Thus Rousseau’s rejection of popular government – as distinct from popular sovereignty – explains why he explicitly rejects “democracy”, understood in the Athenian sense of direct popular government, which embraces executive and judicial, as well as legislative powers.¹⁴ He states:

If we take the term in the strict sense, there never has been a real democracy, and there never will be. It is against the natural order for the many to govern and the few to be governed. It is unimaginable that the people should remain continuously assembled to devote their time to public affairs.¹⁵

Accordingly, because the sovereign does not govern, Rousseau’s popular sovereign has a limited jurisdiction or remit which, in turn, undermines the democratic-absolutism reading. While Bodin insists that sovereignty encompasses both executive and legislative power that must be vested in the same agent, Rousseau’s sovereign exercises only legislative power. Furthermore, it has been convincingly argued that Rousseau understands “legislation” in idiosyncratically narrow terms, as something akin to fundamental or constitutional law as distinct from routine rule-making¹⁶ – thus, again, giving his sovereign a far narrower remit than Hobbes’ version.¹⁷

Aside from its limited jurisdiction, Steinberger argues that Rousseau’s sovereign is, more fundamentally, a very different species of political agent compared with Hobbes’ version. Hobbes depicts an authorizing entity, the “commonwealth”, which authorizes an “instrumental” entity – the sovereign – that governs,

¹³ Richard Bourke, “Introduction”, in Richard Bourke and Quentin Skinner, eds., *Popular Sovereignty in Historical Context*, Cambridge, Cambridge University Press, 2016, p. 8.

¹⁴ Jean-Jacques Rousseau, *Du Contrat Social*, ENAG, 1988 (hereinafter *The Social Contract*), Book III, Chapter 2.

¹⁵ *The Social Contract*, Book III, Chapter 4.

¹⁶ See e.g. Tuck, *The Sleeping Sovereign*; Steinberger; “Hobbes, Rousseau and the Modern Conception of the State”; Joel Colón-Ríos, “Rousseau, Theorist of Constituent Power”, *Oxford Journal of Legal Studies*, n. 36, 2016, p. 885.

¹⁷ Rousseau, *The Social Contract*, Book I.

that gives the commonwealth “life and motion”.¹⁸ What Rousseau calls the “sovereign”, however, is actually an authorizing agent that closer approximates Hobbes’ “commonwealth” than his “sovereign”. Indeed, Rousseau depicts the sovereign as a corporate person that encompasses all the citizens and which in some sense is reducible to the citizenry itself; the sovereign he describes as “the people itself”,¹⁹ or as “a moral and collective body [...] formed of the union of all other persons.”²⁰ And while it might seem as though Rousseau’s sovereign is an “instrumental” authority *as well as* an “authorizing” agent – that is to say, that it actively governs – Steinberger argues that this commonplace view is mistaken. Although the “sovereign” seems like an instrumental agent because it legislates, like others he argues that legislation has a narrower meaning, similar to constitutional rule-making; thus the sovereign is *only* an authorizing or constituent agent.²¹ What Colón-Ríos terms this “idiosyncratic conception of law” stems partly from Rousseau’s unorthodox insistence on legislative generality, which is inconsistent with many recognizable modern forms of “legislation”.²² Thus it is the “government”, in Rousseau’s scheme – the body that rules – that is the closer equivalent of Hobbes’ “sovereign”. And while Rousseau’s democracy does require “direct popular ratification” of “laws”,²³ this applies only to what would today be recognised as fundamental law, a view which is quite prescient and quite consistent with the modern division of labour in politics. And while Rousseau and Hobbes diverge not only as to the location, but also to the very concept of sovereignty, arguably Rousseau’s sovereignty responds to a very different problem of political theory than that addressed by other early-modern theorists – it is addressed at a problem of legitimacy, not order.

Thus Rousseau belongs within what Kalyvas describes as an alternative tradition of sovereignty, shared with Locke, Paine

¹⁸ Thomas Hobbes, *Leviathan: Or the Matter, Forme, and Power of a Common-Wealth Ecclesiasticall and Civill*, ed. by Ian Shapiro, Yale, Yale University Press, 2010, Chapter 18.

¹⁹ Rousseau, *The Social Contract*, Book III, Chapter 5.

²⁰ *Ibid.*, Book I, Chapter 6.

²¹ Colón-Ríos, “Rousseau, Theorist of Constituent Power” supports this view.

²² Colón-Ríos. “Rousseau, Theorist of Constituent Power”, p. 6.

²³ *Ibid.*, p. 5.

and Sièyes, which conceives of sovereignty “not as the ultimate coercive power of command”, but rather instead as “the power to found, to posit, to constitute.”²⁴ Once sovereignty is understood in this more modest “constituent” sense, it becomes less difficult, in conceptual and practical terms, to vest in the ‘people’. Whereas sovereignty in the medieval and early-modern period is usually understood as a supreme political jurisdiction, from the eighteenth century, the “people” was increasingly invoked as sovereign in quite a different, and somewhat passive or even symbolic sense.²⁵ Sovereignty, then, begins to approximate more to the abstraction of a founding myth and a device of legitimation. For Kalyvas, the role of the sovereign as the “founding legislator”, is “not to exercise power, but to design the higher legal norms and procedural rules that will regulate this exercise of power.”²⁶ Or as the French theorist Laferrière put it in the 19th century, constituent power is a “relative and temporary’ form of sovereignty that entails a power to “create forms, authorities, institutions.”²⁷ And crucially, this serves partly to disempower the people by confining it to the role of constituting or founding, but not governing the state.²⁸ Thus while the idea of constituent power served partly to curtail, stem or even to replace popular sovereignty – by confining the people to the domain of legitimation – and while it was in some senses understood as an alternative to sovereignty rather than as a

²⁴ Andreas Kalyvas, “Popular sovereignty, democracy and the constituent power”, *Constellations*, n. 12, 2005, p. 223, 225.

²⁵ Bourke, “Introduction”, *Popular Sovereignty in Historical Context*. Rawlings also notes: “an alternative and in some measure complementary tradition of popular sovereignty grew and persisted alongside parliamentary sovereignty”. Richard Rawlings, “Introduction: Sovereignty in Question”, in Richard Rawlings, Peter Leyland, and Alison Young (eds.), *Sovereignty and the Law*, Oxford University Press, 2013, p. 20.

²⁶ Kalyvas, “Popular sovereignty, democracy and the constituent power”, p. 227.

²⁷ Quoted in Lucia Rubinelli, “How to think beyond sovereignty: On Sieyès and constituent power”, *European Journal of Political Theory*, 2016, published early online, <http://ept.sagepub.com/content/early/2016/04/15/1474885116642170.abstr act>, p. 67.

²⁸ Sièyes argued that the “royal superstitions” of the *ancien régime* had vested the concept of sovereignty with “pompous attributes and absolute powers”; thus “if the sovereignty of the great kings was so powerful and terrible, the sovereignty of a great people should be even more so”. Rubinelli, “How to think beyond sovereignty”, 7.

version or expression of it,²⁹ this had already been achieved, in a sense, in certain adaptations that Rousseau had made *within* the concept of sovereignty itself.

Indeed, Rousseau's principle of popular sovereignty can be understood as an attempt to limit popular power to a domain which was feasible and stable in early-modern conditions. Tuck, in particular, argues that Rousseau's innovation, in distinguishing sovereign from government, allowed popular sovereignty to become meaningful in large, modern societies that require mixed, complex forms of government.³⁰ And while Rousseau embraces popular sovereignty, he does so partly to reject an alternative model of popular government, the very position often misattributed to him by later interpreters. The purpose of his innovation, as Tuck puts it, is partly that the sovereign, now occupied by other things, "might put in only a fleeting appearance and be largely forgotten during the actual political activity of a community."³¹ And democracy, in the sense of popular government, is rejected not only on grounds of feasibility, but also on grounds of stability and harmony.³² Indeed, this is reflected in Rousseau's contribution to the constitutional debate in his native Geneva in *Letters Written from the Mountain*, where he rejected the more radical claims of the *représentant* movement, which sought to vest supreme governmental powers in the plenary General Council at the expense of the smaller, oligarchic bodies.³³

Thus, in Tuck's view, Rousseau is an innovator and modernizer in devising a concept of "democracy" (although Rousseau himself rejects this description) which is feasible in large-scale, modern societies.³⁴ Along with Bodin, the quintessentially modernizing aspect of Rousseau's thought is the understanding that sovereignty lay only in "authorizing a set of fundamental laws", and not even in actively authoring or instigating a

²⁹ See Rubinelli, *ibid.*

³⁰ See Tuck, *The Sleeping Sovereign*.

³¹ *Ibid.*, 251-252.

³² Jean-Jacques Rousseau, "Letters written from the Mountain" in *Letter to Beaumont, Letters Written from the Mountain, and Related Writings*, Christopher Kelly, and Eve Grace (eds.), p. 259.

³³ Richard Whatmore, *Against War and Empire: Geneva, Britain and France in the Eighteenth Century*, Yale University Press, 2012.

³⁴ Tuck, *The Sleeping Sovereign*.

constitution.³⁵ Moreover, Tuck argues that this distinction between sovereignty and government “permitted the reappearance of democracy in the modern world [...] in which citizens simply could [no longer] give [...] time and attention to government.”³⁶ While Rousseau did not advocate the referendum, Tuck argues that his conceptual innovations foregrounded the idea of a “plebiscitary sovereign” that rose to prominence from the eighteenth century.³⁷ These conceptual innovations allowed for the appearance of a new kind of democracy [...] in which citizens could all be true legislators in fundamental matters but leave less fundamental ones to their agents.”³⁸ Rousseau achieves this repurposing of democracy by shifting the locus of democracy from governing to legitimating and constituting. While the location of sovereignty is widened (to the entire undifferentiated people), its remit (constituent power) is narrowed.

Again, on the one hand, this seems inconsistent with our typical understanding of Rousseau as a classically oriented thinker who rejects any compromise with or accommodation of modernity, individuality and commerce. But more pertinently, as I have argued, the purpose of popular sovereignty, in this specific adjusted sense, is to *preclude* popular government along the lines of the ancient democracies, in which the people judged and governed, rather than merely legislated. If modern sovereignty approximates constituent power, then assigning the people constituent power is, politically, as much a way of containing as empowering them. Indeed, writing on the Genevan constitution in *Letters Written from the Mountain*, Rousseau specifically states, of the sovereign, that “once the Constitution of the state has taken a fixed and stable form, your [legislative] functions are finished.”³⁹ Sovereignty, he says, is a “power that *wills*”, and government, a “power that *acts*”, and the sovereign, in a well-ordered state, should not assume governmental power.⁴⁰ Moreover, once sovereignty itself is shifted to the realm of constituting and legitimating, this means that all

³⁵ *Ibid.*, p. 249.

³⁶ Richard Tuck, “Democratic sovereignty and democratic government”, in Bourke and Skinner, *Popular Sovereignty in Historical Context*, p. 116.

³⁷ Tuck, *The Sleeping Sovereign*, Chapter 3.

³⁸ *Ibid.*, p. 141.

³⁹ Rousseau, “Letters written from the Mountain”, p. 340.

⁴⁰ *Ibid.*, p. 202-304.

constituted authorities, including any popular authority or assembly, lose its imprimatur.⁴¹ Thus Rousseau's invocations stem the political power both of the people and of sovereignty itself, doubly debunking the democratic-absolutist thesis. As Tuck puts it, "Rousseauian democracy was not an idyll of an ancient city-state transported to the present day, but a serious attempt at working out how a modern commercial state might genuinely deserve the title of a democracy."⁴²

As Colón-Ríos puts it, "it is very likely that [Rousseau's] association with direct democracy is partly to blame for his absence in contemporary debates about constituent power."⁴³ While the adaptation of popular sovereignty to modernity, and its paring back to the constituent domain is well understood, the impression of Rousseau as a democratic-absolutist stems in large part from a failure to grasp how central Rousseau was in this conceptual transformation in the history of thought.

Antipolitics in Rousseau's republics

While Tuck's interpretation of Rousseau's popular sovereignty is compelling, my aim is to show how his argument concerning these *constitutional* elements of Rousseau's thought are reflected and borne out in Rousseau's *social* analysis of citizenship, and particularly in his depiction of the lived experience of citizenship in the republics of Corsica, Poland and Geneva.

Despite Rousseau assigning the people the sovereign power, it clear he did not understand sovereignty as a form of political *action* in its standard sense; indeed, it is clear, in his constitutional commentaries, that he envisaged the citizens as retreating from politics and leading lives that are in some senses apolitical or at a remove from politics. In particular, the people are

⁴¹ Similarly, post-revolutionary French thought located 'sovereignty' in an abstract 'nation' precisely to deny the real 'people', or any other authority, the kind of political power that Hobbes' sovereignty had implied. See Declaration of the Rights of Man and of the Citizen, 1789, article 3: 'The principle of sovereignty resides essentially in the nation. No section of the people, nor any individual, may arrogate to itself its exercise'.

⁴² Tuck, *The Sleeping Sovereign*. p. 142.

⁴³ Colón-Ríos, "Rousseau, Theorist of Constituent Power", p. 3.

not called upon to exercise the kind of judgement or performs the kinds of tasks that we normally associate with political action. This derives partly from the unfeasibility of direct popular government in modern large states like Poland. Yet while he refers in *Discourse on Political Economy* to the “impracticable” task of assembling a “great people” to legislate, Rousseau is concerned with problems of competence and disposition as much as feasibility.⁴⁴ In *Letters from the Mountain*, writing in relation to Geneva, he distinguishes early-modern citizenship from the ancient, heroic model. He writes:

Ancient people are no longer a model for modern ones [...] You above all, Genevans, keep your place [...] You are neither Romans, nor Spartans; you are not even Athenians [...] You are Merchants, Artisans, Bourgeois [...] always occupied with their private interests, with their work [...] Not being idle as ancient peoples were, you cannot ceaselessly occupy yourself with the Government as they did: but by that very fact that you can less constantly keep watch over it, it should be instituted in such a way that it might be easier for you to see its intrigues and provide for abuses.⁴⁵

Moreover, what is striking is how Rousseau emphasises the modesty and the *quietness* of citizenship, and especially the absence of political action in its classical sense, for moderns who are too preoccupied by commercial and other private pursuits. This is reflected in Rousseau’s prescriptions for Corsica and Poland. The “whole thrust” of his *Constitutional Plan for Corsica*, as Peter France puts it, “was to preserve the rude virtue of the islanders”,⁴⁶ and to retain rustic simplicity by stemming the development of urbanity and commerce. He aimed to achieve this using, on the one hand, peculiar symbolic and ritual devices, considered below, which are to foster certain virtues and affects. On the other hand, he also recommends quite eccentric devices of family, property and citizenship law, which incentivise fertility, rural settlements and

⁴⁴ Jean-Jacques Rousseau, *Discourse on Political Economy* [1755], in *Discourse on Political Economy and On the Social Contract*, translated by Christopher Betts, Oxford University Press, 2009, p. 138.

⁴⁵ Rousseau, “Letters Written From the Mountain”, p. 292-293.

⁴⁶ Peter France, “Primitivism and Enlightenment: Rousseau and the Scots”, *The Yearbook of English Studies*, n. 15, 1985, p. 64, 68.

agrarian smallholdings.⁴⁷ Eschewing Pasquale Paoli's ambition for a commercial and patrician republic,⁴⁸ Rousseau instead advocated a "total autarky [...] based on traditional agriculture and crafts."⁴⁹ He aims to "make [the people] love its [agrarian] occupation [...] to make it the general happiness of their life, and to limit their ambitions to it."⁵⁰

On the one hand, Rousseau clearly views agrarian life as a way of stemming specific kinds of corruption, and of untamed *amour-propre*, associated with urbanity and especially with luxury. On the other hand, however, Rousseau's aim – counter-intuitively, for a republican – is to keep citizens out of recognisably *public* realm, and to confine them instead in the quiet rhythm of private labour – at a remove from the tumult of urbanity and of political action. He contrasts the cyclicity and predictability of agricultural life with the psychic chaos of urbanity, with its potentially endless permutations of passion and desire: in contrast with the peasant, the bourgeois, he says, are "given over to softness, to the passions it excites; they plunge themselves in debauchery and sell themselves to satisfy it; interest makes them servile and idleness makes them anxious (*inquiet*)."⁵¹ He contrasts the peace and quiet of the well-ordered life with the over-stimulating and disorientating experience of urban modernity. "True pleasure" he says, "is simple and quiet (*paisible*), it loves silence and contemplation (*recueillement*)."⁵²

What is striking, then, is how Rousseau's exaltation, as the basis for citizenship, of what Hannah Arendt calls "labour" defined by the cyclical and continuously exhaustible efforts spent on the maintenance of life, efforts which, for the ancient citizens, were consciously associated with servility and juxtaposed with the

⁴⁷ See Eoin Daly, *Rousseau's Constitutionalism: Austerity and Republican Freedom*, Hart, 2017, Chapter 2.

⁴⁸ See further Jean Marie Arrighi, "Textes théoriques de la révolution corse", in Pasquale Paoli, *Aspects de son Œuvre et de la Corse de son temps*, J.M. Arrighi *et al*, eds., Albiana, Università di Corsica, 2009.

⁴⁹ Chesnais, preface to *Corsica*, p. 17.

⁵⁰ *Corsica*, p. 51.

⁵¹ *Corsica*, p. 40.

⁵² *Corsica*, p. 77.

emancipatory force of public life.⁵³ For Rousseau, by contrast, it is this life of labour – essentially a private world, and best experienced in an agrarian setting – that is to serve as a basis for citizenship. And this vision of citizenship is to be constitutionally promoted. For example, Rousseau suggests that the peasants should be “attached to their land”,⁵⁴ and devises constitutional mechanisms to promote this, suggesting civic penalties or disqualifications for those who leave their *pièves*.⁵⁵ In fact he states specifically that the purpose of a decentralized, “democratic” government in Corsica – (a model he rejects elsewhere, including Geneva) – is “to maintain the population *everywhere in proportion*”,⁵⁶ again appealing to an image of harmony and order. Accordingly, the function of the Constitution is to bind civic status to the agrarian life; he explicitly aims to “attach men to the earth” by “drawing their distinctions and rights from it”,⁵⁷ suggesting various legal incentives and penalties that promote agrarian smallholdings.

And while Poland does not enjoy Corsica’s perceived advantages of isolation and rusticity, equally Rousseau’s prescriptions in *Considerations on the Government of Poland* are focused not on fostering active citizenship, but rather on preserving the quiet virtues of agrarian life. Most tellingly he advises the Poles to “cultivate your fields [...] and have no other care”,⁵⁸ thus suggesting, again, a modest pastoral way of life that is far removed from political concerns.

However, unlike Corsica, where he is concerned with fostering the political economy of agrarianism, in Poland Rousseau focuses to a large extent on the symbolic and ritual elements of politics – advocating, for example, games and festivals as a kind of

⁵³ See Hannah Arendt, *The Human Condition*, Chicago, Chicago University Press, 1958, Chapters 11-16.

⁵⁴ *Corsica*, p. 31.

⁵⁵ *Corsica*, p. 87. The *pièves* are the Corsican administrative units created by the Genoese.

⁵⁶ *Corsica*, p. 35, emphasis added.

⁵⁷ *Corsica*, p. 51.

⁵⁸ Jean-Jacques Rousseau, *Considérations sur le Gouvernement de Pologne et sur sa réforme projetée*, in *Collection complète des œuvres*, Genève, 1780-1789, v. 1, Chapter IV; for a translation see “Considerations on the Government of Poland”, in Frederick Watkins, *Jean-Jacques Rousseau: Political Writings*, New York, Thomas Yelsen, 1953, Chapter 11 (hereinafter *Poland*).

civic bond. Extolling the value of ritual, Rousseau notes that Numa, the early Roman king, created citizens “less by means of laws, which they had yet little need of in their rustic poverty, than by means of attractive institutions which attached them to one another and to their common soil; he did this by sacralising their city with those rites – ostensibly frivolous and superstitious – the force and effect of which is so rarely appreciated.”⁵⁹ Thus he celebrates the ancient legislators for their understanding of the symbolic and ritual dimensions of statecraft. They:

sought bonds that could attach citizens to the *patrie* and to each other; and found these in peculiar practices: in religious ceremonies which were always national and exclusive; in games which kept citizens frequently assembled; in exercises which enhanced their pride and self-esteem along with their vigour and strength; in spectacles which ... touched their hearts, inflamed them with a lively spirit of emulation, and attached them strongly to [the] *patrie*.⁶⁰

Crucially, the ritualistic aspect of citizenship that Rousseau emphasises, with its repetitive order and rhythm – understood a source of stability and tranquillity – can also be juxtaposed with action as a mode of citizenship. Whereas action is defined by invention, improvisation and instability, ritual is characterised by regularity, order, and even gentleness. On the one hand, *Government of Poland* – and to a lesser extent, his project for Corsica – envisage large-scale, state-orchestrated ceremonials – imposing, set-piece events such as official feast days or athletic festivals. On the other hand, in *Letter to d’Alembert* in particular, we can see a gentler, subtler aspect of republican ritualism. In *Letter to d’Alembert* Rousseau describes public assemblies as fostering “gentle bonds of pleasure and joy” amongst the people, who must “surrender themselves to the sweet sentiment of happiness.”⁶¹ Their festivities, he says, must be “free and generous”.⁶² The self-revelatory quality of political action, in its Arendtian sense, is dissolved in ritual; for Strong, “the effect of the gaiety is to lose all

⁵⁹ *Poland*, Chapter 2.

⁶⁰ *Poland*, Chapter 2.

⁶¹ *Lettre à d’Alembert*, 1758. See Allan Bloom, Charles Butterworth and Christopher Kelly, *Rousseau: Letter to d’Alembert and Writings for the Theatre*, University Press of New England, 2004, p. 62 (my translation).

⁶² *Ibid.*, p. 63.

sense of self-consciousness in the revelry of one's public identity"; thus the revellers "are not looking at themselves or others in the potentially dominating way noted [in the first *Discourse*]." ⁶³ Only in this kind of transparent political communion can one "simply be what one is, naturally."⁶⁴

Thus in the mode of citizenship he advocates, Rousseau eschews political action, understood as the speech and deed through which men enter the public realm and realise a public identity. And insofar as it is defined in opposition to action, in the quiet rhythm and stability of ritual and labour, it can be juxtaposed with the creativity and spontaneity, or the performative "virtuosity" based on which Arendt defines classical republican citizenship.⁶⁵ Action of this kind introduces exactly the kind of instability and contingency that, as we will see, Rousseau seeks to stem. While he envisages a modest, quiet citizenship that is insulated from corrupting influences of all kinds, critically he is also concerned to stem the corrupting influence of politics itself. Accordingly, what distinguishes Rousseau from other, more quintessentially republican thinkers is that politics, in the sense of political action exercised amidst contingency, is not a source of emancipation or excellence but rather of corruption. Indeed the tranquil vision of republican citizenship he depicts appears strange partly because it contradicts the longstanding association of citizenship with political action – with the Aristotelian idea that "civic action [...] seized upon the unshaped circumstances thrown up by fortune and shaped it [...] into the complete form of what human life should be: citizenship and the city it was lived in."⁶⁶

⁶³ Tracy Strong, "Theatricality, Public Space and Music in Rousseau", *SubStance*, n. 25, 1996, p. 110, 123.

⁶⁴ *Ibid.*, p.124.

⁶⁵ Crucially, Rousseau's vision can be contrasted with Pocock's summation of civic humanism as asserting that "the active man asserted *with the total engagement of his personality* what the contemplative man could only know, through the inward eye of his intellect ...". J.G.A. Pocock, *Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton University Press, 1975, p. 65, emphasis added. Similarly, the Florentine republic, he says, "depicted human social life as a universality of participation rather than a universal for contemplation". *Ibid.*, p. 75.

⁶⁶ *Ibid.*, p. 41.

This can be clarified, again, by emphasising Rousseau's idiosyncratic understanding of sovereignty. Sovereignty itself, the framework of popular power, can in some ways be specifically juxtaposed with political action. Rousseau's legacy, indeed, is partly to have dissociated sovereignty from political action. For many thinkers, popular sovereignty is implausible partly because sovereignty is understood, in the Hobbesian vein, as a kind of rule, or as virtuous action exercised against and amidst political contingency. Yet for Rousseau, as I have argued, sovereignty is better understood in terms of *will* than in terms of *action*. Action, as I will develop further below, is understood as a source of disharmony, discord and instability. And as I have already highlighted, to assign the people sovereignty is not to assign them political omnipotence or supremacy, but rather to *confine* their role to that of willing the general framework of social life. This, indeed, is where Benjamin Constant erred in interpreting Rousseau as embracing an ancient concept of liberty which consisted in "the collective, but direct exercise of many aspects of sovereignty", including adjudication and foreign affairs as well as legislation.⁶⁷ To assign the people sovereignty was precisely to deny them such faculties.

Citizenship beyond politics

While I have argued that Rousseau's social politics can be characterised as rejecting political action or active citizenship in favour of "quiet" virtues, the question arises as to why he rejects the classical republican or civic-humanist view of politics as emancipative. On the one hand, I will argue that Rousseau understands politics itself, and especially political deliberation, as a site of symbolic domination. On the other hand, I will argue, he understands that the life of political action – the confrontation of political contingency – is simply inconsistent with the harmony and order that the general will aims to restore.

⁶⁷ See Benjamin Constant, "De la Liberté des Anciens Comparée à celle des Modernes" in Constant, *Écrits Politiques*, Paris, Gallimard/Folio, 1997, p. 591-619, 595.

Politics as corruption and domination

Most thinkers in the republican canon focus on the activity of politics and its emancipatory potential, most recognizably, say, in the Aristotelian view of political life as man's *telos*, or in Arendt's understanding of political action as the basis of freedom. Rousseau, by contrast, is actively apprehensive of politics in most of its forms, and tends to view political activity as a particular locus of corruption and vice. A constant emphasis, in his analysis of politics, is on deception and inauthenticity. Politics, he understands, is site of performance, and of performative distinction – an arena where men seek power, in particular, through command of discourse, through sophistry and insincerity. Thus Rousseau is famously sceptical of political deliberation and speech in particular – preferring ritual and symbolic forms of political expression – precisely because he understands it as a site of insidious social domination.⁶⁸

This is particularly evident in Rousseau's perspective on political discourse and deliberation. Whereas most republicans understand deliberation as potentially emancipatory, as a way of rendering state power non-dominating, Rousseau identifies deliberation itself as a cause of domination rather than its foil. Far from seeing deliberation as a benchmark for legitimate political power, Rousseau seems to view it as an insidious source of symbolic and social domination. Indeed this helps explain, in part, his preference for a more ritualistic, rather than deliberative style of political communion, as already outlined. Deliberation, especially in its more complex forms, serves to esotericise or obscure, rather than to illuminate, and thus it will prevent citizens from clearly ascertaining the general will. Thus Rousseau insists: "it is essential, for the general will to express itself ... that each citizen think only his own thoughts."⁶⁹ He speculates that the general will would prevail if fully informed citizens "had no communication with each another".⁷⁰ He argues in Book II of the *Social Contract*:

⁶⁸ Daly, *Rousseau's Constitutionalism*, Chapter 3.

⁶⁹ *Social Contract*, Book II, Chapter 3.

⁷⁰ *Ibid.*

If, when the sufficiently informed people deliberates, [and] *the citizens were to have no communication with one another* [...] from the great many small differences the general will always results, and the decision would always be good.

[...] It is therefore essential, if the general will is to be able to express itself, that there should be no partial society within the State, and that each citizen should think only his own thoughts [...]. But if there are partial societies, it is best to have as many as possible and to prevent them from being unequal [...]. These precautions alone can ensure the general will shall be always enlightened, and that the people shall in no way deceive itself.⁷¹

He elaborates further on this link between deliberation and factionalism in Book IV:

The more concert reins in the assemblies, that is, the more opinion approaches unanimity, the more the general will is dominant; but long debates, dissensions and tumult herald the rise of particular interests and the decline of the State. ... Even in the most tumultuous times, the *plebiscita* of the people, when the Senate did not interfere with them, always passed quietly and by large majorities. The citizens having but one interest, the people had but a single will.⁷²

He continues:

When in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects the proposal, but whether it is in conformity with the general will, which is their will. Everyone, in giving his vote, states his opinion on this point; and the general will is found by counting votes (*calcul des voix*).⁷³

While rejecting the illuminative or emancipatory effects of debate, discourse and deliberation, Rousseau suggests instead that the general will is discernible “only through good sense” – figuratively, by “peasants gathered under an oak”.⁷⁴ Thus

⁷¹ *Ibid.*, Book IV, Chapter 2.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*, Book IV, Chapter 1.

Honest (*droit*) and simple men are difficult to deceive because of their simplicity; illusions (*leurre*s) and refined pretences (*pretext*s) fail to impose upon them, and they are not even subtle enough to be dupes. When, among the happiest people in the world, bands of peasants are seen regulating affairs of State under an oak, and always acting wisely, can we help scorning the ingenious methods of other nations, which make themselves illustrious and wretched with so much art and mystery?⁷⁵

He continues:

A State so governed needs very few laws [...] The first man to propose them merely says what all have already felt, and there is no question of ploys (*brigue*s) or eloquence in order to secure the passage into law of what every one has already decided to do, as soon as he is sure that the rest will act with him.”⁷⁶

He also insists that dissent is a symptom of civic decay:

The general will becomes mute: all men, guided by secret motives, no more give their views as citizens than if the State had never been; and iniquitous decrees directed solely to private interest are passed under the name of law.⁷⁷

To better understand this aversion to deliberation, it is useful to return to Rousseau’s second *Discourse*. He hypothesises that when the first societies formed, “a value came to be attached to public esteem ... [to] whoever sang or danced best, [or] *was the most eloquent* ... and this was the first step towards inequality”.⁷⁸ Man’s “rank and condition” came to depend not only on his “property and power”, but also his “wit, beauty and talent” – including, as we have seen, his “eloquence” – attributes which it became necessary to “possess or affect.”⁷⁹ Thus Rousseau views political deliberation as engendering a form of domination because, like other social and cultural practices, it serves on the one hand, to confer distinction

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ Jean-Jacques Rousseau, *Discours sur l'origine et les fondements de l'inégalité parmi les hommes* [1755], Paris, Flammarion, 2008, p. 141 (hereinafter *Second Discourse*), emphasis added.

⁷⁹ *Ibid.*

or social capital based on differential competences.⁸⁰ It is conducted – much like various other cultural practices – based on quite arbitrary forms of know-how. To participate in deliberation – to be taken seriously, indeed to be *heard* – requires participants to master certain arbitrary competences. This helps to explain Rousseau’s disparaging reference to the “refined flourishes” of political speech.⁸¹ Much like later theorists, then, he understands language as an instrument of social power which insidiously imposes arbitrary classifications of legitimacy and value, which imposes something like what might now be described as symbolic violence.⁸²

In one sense, Rousseau’s civic ritualism (ceremonies, oaths, festivals and the like) can be understood as an alternative form of political communication that largely supplants, or obviates the need for linguistic and propositional forms of discourse.⁸³ More pertinently, what I have outlined is how, for Rousseau, the corruptibility of political action and of political speech lies in its element of performativity, of self-disclosure. Thus crucially, the very feature of politics that Arendt identifies as freedom-giving – the “space of appearances” it provides, to give men an “audience [for] their virtuosity”⁸⁴ – is itself, for Rousseau, a mark of its corruption and artifice. Politics is viewed as corrupting precisely because of this performative aspect that Arendt extols.

⁸⁰ For Adam Smith, by comparison, “there remained a close but unheeded connection between rhetoric and the drive for moral approbation and praise. The struggle for social recognition and the effort to be publicly esteemed continued to take place within rhetorical strategies of persuasion, through which a shift in venue: oration, over time, had moved for the sphere of politics to the realm of ethical theory, more particularly to the zone of sympathy [...] the modern subject must captivate attention, invoke affection, and provoke a willingness to empathize. By carrying out this project, rhetorical discourse emerges as the natural language of recognition. Agents [...] adopt strategies of [...] persuasion [...] Subjects make use of rhetorical means to present themselves as worthy of recognition.” Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns*, Cambridge, Cambridge University Press, 2008, p. 37.

⁸¹ *Second Discourse*, p. 142.

⁸² See generally Pierre Bourdieu, *Language and Symbolic Power*, J. Thompson, ed., Harvard University Press, 1999.

⁸³ See generally Jensen Sass and John Dryzek, “Deliberative Cultures”, *Political Theory*, v. 42, 2014, p. 3.

⁸⁴ Hannah Arendt, “What is Freedom” in Arendt, *Between Past and Future*, Penguin, 1961, p. 154.

Political life, then, is a form of theatricality and inauthenticity, a source of division and disharmony. Insofar as citizens act “politically” at all in Rousseau’s account, it is austere, peaceable and solemn; it is far from the heroic excellence that men exercise – for an audience – in improvising against *fortuna* and contingency. Insofar as their political communion takes a ritual rather than a deliberative form, this is understood precisely as eschewing the unpredictability and improvisation of political action in its more recognisable sense. For other republicans, the condition of politics is the problem of instability and contingency, and so the need to deliberate – and act – in the face of unpredictable circumstances, or *fortuna*. Civic-humanists and renaissance republicans, in particular, had understood virtue as arising in the exercise (and performance) of excellence – even heroism – amidst contingency and instability – and as requiring, then, “the fullest participation in the life of the city.”⁸⁵ As Pocock puts it, Boethius, for example, understood *fortuna* as that “world of mutability”, the “insecurities of human power systems” to which we expose ourselves through political action.⁸⁶ And virtue, then, in the Roman tradition, involves “imposing order and glory upon fortune”;⁸⁷ or in Machiavellian terms, it entails the “skill and courage by which men are enabled to dominate events.”⁸⁸ Yet Rousseau, by contrast, seems to aim at eliding, transcending or dissolving this *fortuna* that was historically understood as being the very *condition* of republican politics, that made political action meaningful, possible and necessary.⁸⁹ Because the life of political action imposed by *fortuna* is hollow, performative and corruptible, he seems to prefer, instead, to try to dissolve the instability and insecurity that make political action necessary, by creating a vaguely utopian pastoral order that is defined by its tranquil harmony and cyclicity, by an ordered, predictable rhythm that mirrors the civic ritualism he extols.

⁸⁵ For Pocock, “the citizen is he who can develop as many forms of human excellence as possible and develop them all in the service of the city”. Pocock, *Machiavellian Moment*, p. 87.

⁸⁶ *Ibid.*, p. 36, 60.

⁸⁷ *Ibid.*, p. 76.

⁸⁸ *Ibid.*, p. 92.

⁸⁹ *Ibid.*, p. 40-41.

Accordingly, Rousseau challenges the understanding of contingency itself as the proper condition or context of republican virtue. For Judith Shklar, Rousseau's political theory "does not imply any sort of action or adaptation to change [but] is, rather, an effort to prevent change"⁹⁰. Similarly, for Arendt the idea of a community founded on a sovereign will is an illusory stability, something "built on quicksand", "in the face of the essential uncertainties of the future",⁹¹ or in Martel's terms, "an endeavor to control or determine the world in the face of radical and absolute contingency."⁹² Indeed, whereas other historical republicans take social and class-conflict for granted, – even seeking to incorporate it within the constitutional structure, Rousseau's idyllic autarkies are, if not quite classless, at least defined by harmony and cohesion.

Politics and natural order

While in one sense Rousseau sees politics as a source of inauthenticity and corruption that is inimical to true republican virtue, in another he rejects politics and political action because he sees it as inconsistent with the kind of harmony and order that is to be realised under the rule of the general will. Thus citizens will realise freedom not through the virtuous confrontation of political contingency, with all its unpredictability and caprice – or indeed through political action at all – but rather by living an orderly, peaceful existence that is largely removed from "politics" in its typical sense. Thus Rousseau's rejection of the emancipative potential of political action must be understood in light of his ideal of harmony and order under the rule of the general will. His aim, in ordering society based on the rule of the general will – an impersonal will reflecting the corporate will of the political community – is partly to restore the natural order and harmony that obtained, speculatively, in the state of nature. On the one hand, this seems counterintuitive because Rousseau is usually understood as rejecting natural right as a normative framework for

⁹⁰ Judith Shklar, *Men and Citizens: A Study of Rousseau's Social Theory*, Cambridge University Press, 1985, p. 181.

⁹¹ Arendt, "What is Freedom", p. 164.

⁹² James Martel, "Amo: Volo ut sis: Love, willing and Arendt's reluctant embrace of sovereignty", *Philosophy and Social Criticism*, n. 34, 2008, p. 287, 295.

political society, claiming that men abandon natural right in grounding their political claims, under the social contract, on convention. On the other hand, however, nature remains present in his work as a normative reference point. Douglass for example, argues that the goodness of nature remains in many senses an ideal to be emulated in political society itself: he says: “the state of nature provided the setting for a model of the good life, and even if man could never return to this state it nonetheless presented the conditions to which any form of the good life must conform.”⁹³ The goodness of nature, for man, lay in its harmony. And for Douglass, then, Rousseau’s aim is to recover this harmony, albeit in a different form, within political society. For man’s life to be in accordance with nature “[...] his inalienable gifts of nature would have to be preserved and he would have to enjoy a harmonious and ordered existence free from the contradictions of the social system that render life miserable.”⁹⁴

How is this harmony to be achieved in a post-lapsarian, social setting? For most interpreters, harmony, or indeed happiness, for Rousseau, chiefly entails an equilibrium between man’s powers and his desires. Thus “natural man lived alone and with limited resources, yet he nevertheless enjoyed original happiness. This is precisely due to the ease with which his primitive wants could be satisfied [...] he was united and neither drawn in to contradiction internally nor externally.”⁹⁵ This equilibrium, Rousseau conjectures in the *Second Discourse* was destroyed with the rise of social complexity and the activation of *amour-propre*, as the inflammation of man’s desires, in society, led to generalised disorder and disharmony. While the natural state as such cannot be recovered, this harmony (or for Marks, a managed disharmony) can, however, be recovered within society itself – using appropriate political and social devices – with the original state remaining a kind of template, a standard to be emulated in a different guise.

⁹³ Douglass, *Rousseau and Hobbes*, p. 59.

⁹⁴ *Ibid.*, p. 10.

⁹⁵ *Ibid.*, p. 93.

Rousseau's aim, then, is aim is to "recapture in society the happiness which natural man had in nature."⁹⁶ And this happiness can be recovered in society, Rousseau speculates, because dependence on the rule of the general will, in political society, parallels the dependence on nature which original man experienced. While dependence on the general will obviates dependency on private, particular and tyrannical wills, it also serves to restore harmony in this sense. Dependence on nature is benign, Rousseau believes, because nature operates according to impersonal, general laws.⁹⁷ Dependence on nature is not experienced as subjection to a personal will, a will directed at a particular object, which is the essence of domination. Thus in *Emile*, he clearly draws this contrast, saying: "Dependence on things, since it has no morality, is in no way detrimental to freedom ... dependence on men, since it is without order, engenders all the vices."⁹⁸ Similarly, in *Letters Written from the Mountain*, Rousseau writes that "even in the state of nature, man is free only by virtue of the natural law that commands all."⁹⁹

In this light, Scott, in particular, argues that the purpose of subjecting men to the impersonal rule of the general will is to restore or recreate the dependency – a dependency on impersonal forces – that man experienced under the state of nature.

Thus while in some ways the general will actually denaturalises man by making him entirely dependent on human and abstract artifice, in another, its purpose is to restore the harmony and happiness that obtained under nature. It simultaneously denaturalises and renaturalises man, with the aim or restoring harmony in a context where society and sociability are taken for granted, and cannot be reversed. Accordingly, Scott suggests that the rule of the general will puts citizens in a similar

⁹⁶ J.H. Mason, "Forced to be Free", in R. Wokler (ed.), *Rousseau and Liberty*, Manchester UP, 1995, p. 135. Indeed Rousseau notes that "the Corsican people retains many of its primitive virtues, which will assist the construction of the Constitution".

⁹⁷ Thus "Providence acts through the general laws of nature." John Scott, "Politics as the Imitation of the Divine in Rousseau's *Social Contract*", *Polity*, n. 26, 1994, p. 473, 476, 478.

⁹⁸ Jean-Jacques Rousseau, *Emile or On Education*, translated by A. Bloom, New York, Basic Books, 1979, p. 85.

⁹⁹ Rousseau, "Letters written from the Mountain", p. 264.

position, in relation to the polity, as man was originally positioned in his relationship with nature. Harmony obtains in both cases because man is dependent on general, impersonal laws. Thus, Scott argues, the general will restores “our original position as well-ordered beings within the divine or natural whole, a whole ordered by law.”¹⁰⁰ He elaborates:

In our original condition we were spontaneously well-ordered by our immersion in the ordered divine or natural whole. The subjection to the laws the citizens themselves make as sovereign in the political whole has a similar effect. First, the citizens are ordered in the best possible manner relative to the political whole by their dependence upon it. The sovereign power ‘must have a universal, compulsory force to move and arrange each part in the manner best suited to the whole.’¹⁰¹

Thus to live under the general will is not to live in or under nature, but it imitates or parallels nature’s order and harmony. It is the recovery of this order and harmony that redeems man following his historical fall into servitude and vice. And this conception of the general will, and of its role in restoring natural order, helps to make sense of the strangely peaceable, tranquil vision of citizenship that Rousseau sketches, in Corsica and elsewhere. He eschews the classic vision of the political life – defined by the confrontation of contingency – precisely because of this commitment to a social order that emulates the order of nature. The strangely apolitical nature of life in Rousseau’s republic can be seen as a corollary of this commitment. The life of political action, defined by unpredictability, instability and improvisation, is inconsistent with the harmonious vision of the good life, consistent with nature, that Rousseau espouses this explains why Rousseau rejects the classical republican accounts of political virtue and political action. Not only is political action *unnecessary* to the good, harmonious life as he understands it: rather, a free life under the general will *necessitates* the dissolution of political contingency, in the sense described, because only this allows citizens to lead a well-ordered life that is consistent with natural goodness. The circumstances that define classical-republican

¹⁰⁰ Scott, ‘Politics as the Imitation of the Divine in Rousseau’s *Social Contract*’, p. 479.

¹⁰¹ *Ibid.*

politics are inconsistent with the well-ordered harmony of life under the general will.

Yannick Deschamps
(Paris)

**At the crossroads between the civic tradition,
Stoicism and the Enlightenment:
Citizenship viewed by Andrew Fletcher,
John Clerk and George Lockhart**

Introduction

Andrew Fletcher of Saltoun (1653-1716), John Clerk of Penicuik (1676-1755) and George Lockhart of Carnwath (1689-1727) were Scotsmen and, from 1707 onwards, also Britons. As such, they were subjects of various kings and queens of Scotland and Britain, but not citizens of either of those countries. As Peter Riesenberg puts it: “Legally, constitutionally, there were no citizens of the kingdom, only certain residents of cities or boroughs. In the kingdom all were royal subjects”.¹ Although Riesenberg is referring to Elizabethan England here, his words are just as relevant to Stuart and Hanoverian Scotland and Britain. But he goes on to qualify his statement: “However, and the qualification is significant, citizen existed as a concept, as a historical influence. Insofar as educated men knew the classics and were susceptible to their influence, citizenship survived and exerted influence every time such a subject chose, consciously, to put the public interest before what he recognized as his own”.² Andrew Fletcher, John Clerk and George Lockhart were all steeped in the classics, which were part and parcel of their lives. They also kept stressing in their

¹ Peter Riesenberg, *Citizenship in the Western Tradition: Plato to Rousseau*, Chapel Hill/London: University of North Carolina Press, 1992, p. 217.

² *Ibid.*, p. 217-218.

writings the necessity to show public spirit and devotion to the common good. They can thus be included among those through whom citizenship survived in an era of monarchy. Like Hobbes, Locke and many others, they “were not interested in citizenship in a narrow, traditional, legal sense. Rather, they were, as the ancients were, interested in man as thinking, moral being, embedded in his society and reacting to its demands out of his human nature, whatever that might prove to be, and of his culture”.³

Andrew Fletcher, John Clerk and George Lockhart were in some respects very different people. Fletcher was a Country Whig and a secular-minded quasi-republican, Clerk, a Court Whig and a Presbyterian, and Lockhart, a Jacobite and an Episcopalian. However, these three men, who knew one another well, had many common points. Besides being members of the Scottish landed gentry and living at the turn of the 17th and 18th centuries, they were, to varying degrees, shaped by three main intellectual influences: civic humanism or, more broadly, the “civic tradition”, Stoicism and its corollary Stoic-Ciceronian moralism, and the Enlightenment. The term “civic humanism” was coined by Hans Baron, who defined it as “a kind of Humanism which endeavoured to educate a man as a member of his society and state” and a “new philosophy of political engagement and active life” which “developed in opposition to ideals of scholarly withdrawal”.⁴ This intellectual movement, which included such figures as Leonardo Bruni and Niccolò Machiavelli, emerged in Florence around 1400 before migrating to northern Europe.⁵ According to J.G.A. Pocock, who accounted for its migration to Britain and, beyond, to the “Atlantic world”, and described its transformations in those different cultural contexts, “civic humanism denotes a style of thought [...] in which it is contended that the development of the individual towards self-fulfilment is possible only when the individual acts as a citizen, that is as a conscious and autonomous participant in an autonomous decision-taking political

³ *Ibid.*, p. 206.

⁴ Hans Baron, *The Crisis of the Early Italian Renaissance: Civic Humanism and Republican Liberty in an Age of Classicism and Tyranny* [1955], revised one-volume edition with an epilogue, Princeton, New Jersey, Princeton University Press, 1966, p. 459-460.

⁵ *Ibid.*

community”.⁶ John Robertson prefers the expression “civic tradition”, which is broader and stresses the continuity between civic humanism and its classical roots, both Aristotelian and Ciceronian.⁷ This is the one I shall be using most of the space in this paper to stress Fletcher’s, Clerk’s and Lockhart’s intellectual debt not only to Niccolò Machiavelli, James Harrington and other modern thinkers, but also – and primarily – to ancient authors. While the civic tradition advocates the Aristotelian active life (*vita activa*) and *negotium*, Stoicism and Stoic-Ciceronian moralism tend to champion the contemplative life (*vita contemplativa*) and *otium*, which combines study and leisure.⁸

The civic tradition, Stoicism and Stoic-Ciceronian moralism, together with the Enlightenment, played a crucial part in shaping the mindsets of Fletcher, Clerk and Lockhart – however different these figures could be in some respects. They also contributed to fashioning these authors’ views on citizenship and their conceptions of the ideal citizen as they appear in their various pamphlets, memoirs and letters, both through straightforward remarks on the subject and through a host of autobiographical details.

In this essay, I shall analyse the impact of each of these intellectual influences on Fletcher’s, Clerk’s and Lockhart’s views on citizenship, starting with the civic tradition, before focusing on

⁶ J.G.A. Pocock, “Civic Humanism and its Role in Anglo-American Thought”, in *Politics, Language and Time: Essays on Political Thought and History*, 1971, Chicago/London, Chicago University Press, 1989, p. 85.

⁷ John Robertson, “The Scottish Enlightenment at the Limits of the Civic Tradition”, in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. by Istvan Hont and Michael Ignatieff, Cambridge et al., Cambridge University Press, 1983, p. 138-139; *The Scottish Enlightenment and the Militia Issue*, Edinburgh, John Donald Publishers Ltd., 1985, p. 9.

⁸ Quentin Skinner defines *negotium* as “the life of activity and business” and *otium* as “the life of quiet and contemplation”: Quentin Skinner, *The Foundations of Modern Political Thought*, v. 1, “The Renaissance” [1997], Cambridge, Cambridge University Press, 1998, p. 216-217. For a discussion of the opposition between the active life and the contemplative life, see, for instance, Baron, *Crisis*, p. 7, 106-113, 121-125, 128-130, 316-331; J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, 1975 Princeton/Oxford, Princeton University Press, 2003, p. 40, 56-57. For an examination of Stoic-Ciceronian moralism, see Robertson, *Militia*, p. 11-13.

Stoicism and Stoic-Ciceronian moralism and, finally, the Enlightenment. In the process, I shall shed some fresh light on the articulation between the notions of self-interest and the general interest and the relations and interactions between the private and public spheres in late seventeenth- and early eighteenth-century Scotland and Britain.

**The impact of the civic tradition:
Advocating a citizenly life of *negotium***

Fletcher's, Clerk's and Lockhart's conception of citizenship is shaped to a large extent by a civic tradition stretching back to Antiquity. Accordingly, they point out that the good citizen should adopt a civic, patriotic behaviour: he should subordinate his own interest to that of his country. Fletcher never tires of denouncing "the scandal of preferring a private interest before that of our country".⁹ More specifically, he deplores that, since 1603, "some men for private ends, and in order to get into offices, have either neglected or betrayed the interest of this nation, by a mean compliance with the English court".¹⁰ The lack of public spirit is particularly pernicious when it affects law-makers: "If those who give laws to other men, have not the good of the nations they govern in view, but are ready to sacrifice every thing to their own private interest, such a scandalous conduct must be of the last consequence to a government".¹¹ If we are to believe Lockhart, Fletcher's deeds were as good as his words: "And, I may affirm, that in all his life he never once pursued a measure with the prospect of any by-end to himself, nor further than he judged it for the common benefit and advantage of his country".¹² He was a paragon of patriotism for every citizen to emulate: "And if ever a man proposes to serve and merit well of his country, let him place his courage, zeal and constancy as a pattern before him, and think himself sufficiently applauded and rewarded by obtaining the

⁹ Andrew Fletcher, "Speeches by a member of the Parliament which began at Edinburgh the 6th of May, 1703", in *Andrew Fletcher: Political Works*, ed. by John Robertson, Cambridge, Cambridge University Press, 1997, p. 142.

¹⁰ *Ibid.*, p. 147.

¹¹ *Ibid.*, p. 170.

¹² George Lockhart, "*Scotland's Ruine*": *Lockhart of Carnwath's Memoirs of the Union*, 1714, ed. by Daniel Szechi, Aberdeen, Association for Scottish Literary Studies, 1995, p. 44.

character of being like Andrew Fletcher of Salton”.¹³ On the other hand, the duke of Roxburgh behaved in a most unpatriotic way, being “so indifferent of the ties of honour, friendship, vows and justice, that he sacrificed them all, and the interest of his country, to his designs, viz. Revenge and ambition”.¹⁴ Lockhart has no patience with this kind of self-centered, uncivic attitude. Similarly, he blames Scottish Presbyterian ministers who “valued not the country” and “acted only with a view to themselves”.¹⁵ For his part, he “alwayse preferr’d the general interest to private views”.¹⁶ So did Clerk. The latter also castigates those who lose sight of the public good and denies them all claim to patriotism. The members of the *Squadron Volante*, a Scottish party that sided sometimes with the Court, sometimes with the Country party, were especially guilty of this practice: “They pretended to be great Patriots, and to stand up chiefly in defence of the rights and privileges of the subjects; in a word, the publick good and the liberty of the subjects were still in their mouths, but in their Hearts they were known to have Court preferments and places in the chiefest degree of veneration”.¹⁷ He goes on to note wryly that their case was “a true description of Modern Patriotism”.¹⁸

The idea expressed by Fletcher, Clerk and Lockhart that the good citizen should put the interest of his country above his own interest clearly lies within a civic tradition rooted in the classical era. One of its first major occurrences was in the funeral oration Pericles delivered in 429 BC, at the end of the first phase of the Peloponnesian War (431-404 BC). Paying tribute to the Athenian soldiers who had fallen at Marathon, he observes that they did not act “upon a calculation of self-interest, [but] rather for the community”.¹⁹ He further notes that they died fighting for their city and “gave their lives for the common weal”.²⁰ The ideal of dying for the public good was also widely embraced by Spartans,

¹³ *Ibid.*, p. 45.

¹⁴ *Ibid.*, p. 64.

¹⁵ *Ibid.*, p. 211.

¹⁶ *Ibid.*, p. 162.

¹⁷ *Ibid.*, p. 47.

¹⁸ *Ibid.*

¹⁹ Pericles’ funeral oration, in Peter Riesenbergh, *A History of Citizenship: Sparta to Washington*, Malabar, Florida, Krieger Publishing Company, 2002, p. 13.

²⁰ *Ibid.*, p. 107.

for whom the act of laying down one's life for one's city was the surest means of achieving greatness.²¹ Besides, both Plato and Aristotle considered that, in an empirical as well as in a metaphysical sense, the community was superior to and should take precedence over the individual. Only in the community could the citizen realise his full potential.²² Aristotle derived this conviction from his conception of man as a social animal.²³ Cicero chimed in with the two Greek authorities. To serve our country well required that we subordinate our private interests to the public good.²⁴ The latter "ought to be dearer [to us] than anything else in the world".²⁵ Cicero put his words into action, dying as a patriot for his country and his republican values.²⁶ Epictetus shared his patriotism. According to him, the good man, who is first and foremost "a part of a civic community", is to "take no thought for his own private interest".²⁷ Such was also the position of the civic humanists of the Italian Renaissance. In the *Oration* (1428) he pronounced for the funeral of Nanni Strozzi – a Florentine general killed during the battle of Ottolengo against the Duchy of Milan – Leonardo Bruni reports that Strozzi died because he was "willing to put the love of his country before his own safety".²⁸ Such behaviour also commanded the approval of Machiavelli, who insisted that each citizen must be prepared "to advance not his own interests but the general good, not his own posterity but the common fatherland".²⁹ The failure to act in this way was bound to lead to corruption and the loss of liberty which, in his view, could only thrive in republican regimes.³⁰ This point of view was shared by Francesco Patrizi, a late Venetian humanist, who argued in *The Institution of a Republic* (1518) that the virtuous citizen could be recognised by his "absence of private ambition" and his desire to

²¹ Riesenberg, *Plato to Rousseau*, p. 9.

²² Riesenberg, *Sparta to Washington*, p. 18, 19.

²³ Riesenberg, *Plato to Rousseau*, p. 47.

²⁴ Quentin Skinner, *Machiavelli: A Very Short Introduction*, Oxford, Oxford University Press, 2000, p. 5.

²⁵ Cicero, *On Moral obligations*, in Riesenberg, *Plato to Rousseau*, p. 78.

²⁶ Riesenberg, *Plato to Rousseau*, p. 76.

²⁷ Epictetus, *Discourses*, in Riesenberg, *Plato to Rousseau*, p. 83.

²⁸ Leonardo Bruni, *Oration for the Funeral of Nanni Strozzi*, in Skinner, *Foundations*, p. 77.

²⁹ Niccolò Machiavelli, *Discourses on Livy*, in Skinner, *Machiavelli*, p. 62.

³⁰ Skinner, *Machiavelli*, p. 59; *Foundations*, p. 175-176; Riesenberg, *Plato to Rousseau*, p. 196.

place the benefit of the Republic above his own interests.³¹ In Renaissance England, the idea that the common good must prevail over private concerns was defended by Sir Thomas More³² and Thomas Starkey, in whose opinion “little availeth virtue that is not published abroad to the profit of others [...] And this is the end of the civil life, or, me seemeth, rather the true administration of the common weal”.³³

Like these authors, Fletcher, Clerk and Lockhart thus fulfill “the classical requirement that [the citizen] subordinate his private satisfactions to the public good”, to take up Pocock’s words.³⁴ However, they – especially Clerk and Lockhart – differ from some of those writers in several respects. They do not overtly identify the public good with military sacrifice or dying for their country. Neither do they associate directly the failure to promote the interest of the community with “corruption” or any loss of “virtue” according to classical usage. Finally, they do not consider that the common good can only be achieved in the context of a republic. Among our three Scottish authors, only Fletcher is sympathetic to republicanism. Obviously, if they borrow elements from the civic tradition, they do not embrace it wholesale, Clerk and Lockhart in particular.

Although Fletcher, Clerk and Lockhart agree that the good citizen should subordinate his own interest to that of his *patria* and are all true patriots, they embody different varieties of patriotism and, therefore, different types of citizenship. Lockhart stands for an exclusive kind of patriotism nurtured by a strong nationalism. His patriotism is grounded in pride in the Scottish nation and its famed longevity, which ensures that “the Scots nation is for its antiquity [...] preferable to all the nations of Europe”.³⁵ But it is also supported by a virulent anglophobia. Lockhart reproaches the English with their lack of generosity and their scotophobia.³⁶ He likewise blames them for their arrogance, “for it is well known the

³¹ Francesco Patrizi, *The Institution of a Republic*, in Skinner, *Foundations*, p. 175.

³² Skinner, *Foundations*, p. 224.

³³ Thomas Starkey, *A Dialogue between Reginald Pole and Thomas Lupset*, in Riesenbergs, *Plato to Rousseau*, p. 212.

³⁴ Pocock, “Civic Humanism”, p. 101.

³⁵ Lockhart, *Memoirs*, p. 239.

³⁶ *Ibid.*, p. 171, 232.

English vanity and self-conceitedness reaches so far as to despise all kingdoms but their own, and all people but themselves”.³⁷ Lockhart’s nationalism does not only target the English, but also those Scots who are deemed not to be good patriots, such as those who were appointed customs or excise commissioners in Scotland after the Union of 1707 and thus levied exorbitant taxes on Scottish trade for the British treasury. Those men were not “true Scotsmen”. Lockhart thus champions a rather narrow conception of Scottish citizenship. Clerk’s is more inclusive and outward-looking. Unlike Lockhart, he rejects aggressive nationalism and anglophobia. Giving an account of his Grand Tour in his *Memoirs*, he expresses the joy he experienced when meeting an Englishman, in whom he saw a compatriot, although the Anglo-Scottish Union of 1707 had not yet taken place: “At Nimuegen I fell acquainted with a very good sort of man, an English officer [...] With this Gentleman, as my country man, I contracted a very great friendship, and, like two brothers, we proceeded on our journey to Cologn[e]”.³⁸ Clerk went on to support the Union with England and came to feel sincerely British. But, to the end of his life, he remained a Scottish patriot. When recalling in his *Memoirs* a visit to the cathedral of Salisbury, in which the Scottish-born Church of England bishop, Gilbert Burnet, had officiated for several years, he refers to the latter as “our Country man, Doctor Burnet, the Bishop”.³⁹ He also complains that Scottish boys educated in English schools ended up preferring England to Scotland.⁴⁰ Thus, Clerk felt both like a Scottish and a British citizen. He championed a dual citizenship. So did Fletcher, but his was a dual citizenship of another kind. Fletcher was very much a Scottish patriot, as he stood for the opposition to the 1707 Treaty of Union with England and the fight for Scotland’s independence. He was even referred to by many as *the Patriot*. However, he also saw himself as “a citizen of the world”.⁴¹ He failed to see any contradiction in this: one could be “a good citizen of a particular commonwealth, and a

³⁷ *Ibid.*, p. 239.

³⁸ John Clerk, *Memoirs of the Life of Sir John Clerk of Penicuik, Baronet, Baron of the Exchequer / Extracted by himself from his own Journals, 1676-1755*, ed. by John M. Gray, London, Nichols and Sons, 1895, p. 19.

³⁹ *Ibid.*, p. 128.

⁴⁰ *Ibid.*, p. 99.

⁴¹ Andrew Fletcher, “An Account of a Conversation Concerning a Right Regulation of Governments for the Common Good of Mankind” [1704], in *Andrew Fletcher: Political Works*, p. 206.

citizen of the world [...] a true friend to his country and to mankind at the same time”.⁴² For this reason, John Robertson calls him a “discriminating patriot”.⁴³

Lockhart’s rather narrow and exclusive brand of patriotism can be accounted for by his Scottish Tory Jacobite identity.⁴⁴ Most of those who shared that ideology had strong anti-English feelings. On the other hand, it is not surprising that, as a Whig and a staunch advocate of the Union of 1707, Clerk should feel comfortable with his dual identity and citizenship as a Scots and as a Briton.⁴⁵ His case seems to support Linda Colley’s thesis that, in the post-union period, the new British identity available for the Scots was superimposed on their Scottish identity, without eradicating it or blending with it.⁴⁶ Whether that British identity was in fact an “Anglo-British” identity that was very close to an English identity, as argued by Colin Kidd,⁴⁷ or not, is an issue which will not detain us here. As for Fletcher’s brand of patriotism, it should not be reduced to a purely Scottish patriotism of the type associated with Lockhart, as some nationalist historians have tried to present it.⁴⁸ There is no denying this dimension. Fletcher’s epithet “the Patriot”, does refer to his Scottish patriotism, which expressed itself eloquently in his defence of Scottish identity and independence. However, his self-identification as a “citizen of the world” points to a more ambivalent kind of citizenship, which may be grounded in the Stoic notion of the universal brotherhood of

⁴² *Ibid.*

⁴³ John Robertson, “Introduction”, in *Andrew Fletcher: Political Works*, p. xi-xviii.

⁴⁴ On this issue, see Daniel Szechi, “Constructing a Jacobite: The Social and Intellectual Origins of George Lockhart of Carnwath”, *The Historical Journal*, v. 40, n. 4, December 1997, p. 977-996; *George Lockhart of Carnwath, 1689-1727*, East Linton, East Lothian, Tuckwell Press, 2002, p. 157-211.

⁴⁵ Iain Gordon Brown, “Modern Rome and Ancient Caledonia: The Union and the Politics of Scottish Culture”, in *The History of Scottish Literature*, v. 2, “1660-1800”, ed. by Andrew Hook [1987], Aberdeen, Aberdeen University Press, 1989, p. 34-47.

⁴⁶ Linda Colley, *Britons: Forging the Nation, 1707-1837*, New Haven/London, Yale University Press, 1992, p. 5-6.

⁴⁷ Colin Kidd, “North Britishness and the Nature of Eighteenth-Century British Patriotisms”, *The Historical Journal*, v. 39, n. 2, June 1996, p. 361-364.

⁴⁸ See, for instance, P.H. Scott, *Andrew Fletcher and the Treaty of Union*, 1992, Edinburgh, The Saltire Society, 1994.

mankind.⁴⁹ Indeed, he may have borrowed the expression “citizen of the world” from the Stoic thinker Epictetus, who used it in one of his *Discourses*.⁵⁰

Besides, Fletcher, Clerk and Lockhart embody in many respects a participatory model of citizenship. They led active public lives and were involved in running the affairs of their country. For instance, they were all MPs at some point in their careers. Fletcher was elected a member of the Convention of the Estates of Scotland for the county of Haddington in 1678 and a member of the Scottish Parliament for the same constituency in 1681 and 1703. The same year, Clerk was returned for the burgh of Whithorn in Galloway. He also represented this burgh in the first Parliament of Great Britain (1707-1708), being one of the 45 members chosen to speak for Scotland in the House of Commons after the Union of 1707. Like Fletcher and Clerk, Lockhart sat in Scotland’s last parliament, in which he represented Midlothian. He was also elected to the British Parliament for this county in 1708.

Fletcher, Clerk and Lockhart evoke some features of their parliamentary experience in their writings. For instance, in his *Speeches by a Member of the Parliament which Began at Edinburgh the 6th of May, 1703* (1703), Fletcher complains about the timing of the sessions which he holds to be prejudicial to the efficiency of the proceedings: “We meet in this place in the afternoon, after a great dinner, which I think is not the time of doing business; and are in such confusion after the candles are lighted, that very often the debate of one single point cannot be finished, but must be put off to another day”.⁵¹ He also blames this poor timing for ignoring the constraints of MPs and making it difficult for them to look after their estates properly: “Our parliament seldom meets in winter, when the season of the year, and our own private affairs bring us to town. We are called together for the most part in summer, when our country business and the goodness of the season make us live in town with regret. Our parliaments are sitting both in seed-time and harvest, and we are made to toil the whole year”.⁵² On a much

⁴⁹ Riesenbergh, *Plato to Rousseau*, p. 53, 57.

⁵⁰ “The Discourses of Epictetus”, in Riesenbergh, *Sparta to Washington*, p. 131.

⁵¹ Fletcher, “Speeches”, p. 156-157.

⁵² *Ibid.*, p. 156.

lighter note, Clerk, in his *Memoirs*, recalls with exhilaration his first participation in the traditional “riding” of Parliament: “I need not describe the solemnity of the above Cavalcade; only with regard to myself, I was mounted on a fine gray pad belonging to the Duke of Queensberry, and equipt with black velvet accoutrements, as all the representatives of the Royal Burrows were”.⁵³ As for Lockhart, he describes at length the role he played in Parliament at the time of the projected dissolution of the Union, in 1713.⁵⁴

Besides being MPs, Clerk and Lockhart were both nominated as Commissioners for negotiating a treaty of union in 1706. As a Jacobite hostile to the projected union, Lockhart took little interest in the discussions and remained aloof, but Clerk played a very active part in them. He was, for instance, “one of four who were to conferr dayly with the like number of the English Commissioners”.⁵⁵ Lockhart and Clerk – the latter in particular – held several other official functions. Lockhart was appointed to the Commission of Public Accounts set up in 1711. He was initially very enthusiastic about his nomination and showed much zeal in carrying out the work of the Commission. But in June 1714, he was beginning to feel that this job was impinging upon his private life: “I am heartily weary of this kind of life since I can do no service to my self, friends, countrie and Interest I like, and that there’s nothing here but cheat and doubledealing, so that my heart is set on living at home with my family”.⁵⁶ Clerk had been appointed to a similar commission in 1703. In his *Memoirs*, he stresses the importance of his contribution to its work: “After our first meeting, the business was all devolved on four of us”.⁵⁷ Besides, he was the one who drafted the final report.⁵⁸ This was only the first of a long list of public appointments held By Clerk, who, for instance, sat on the Council of Trade set up by the Duke of Argyll in 1705, and was made a trustee of the Board of Manufactures in 1727. But Clerk’s major appointment was as one of the five Barons of the Scottish Court of Exchequer, a position

⁵³ Clerk, *Memoirs*, p. 46.

⁵⁴ Lockhart, *Memoirs*, p. 75-78.

⁵⁵ Clerk, *Memoirs*, p. 61.

⁵⁶ George Lockhart, *Letters of George Lockhart of Carnmath, 1698-1732*, ed. by David Szechi, Edinburgh, Scottish History Society, 1989, p. 104. (letter from Lockhart to Henry Maule of Kellie, 5th Earl of Panmure, mid-June 1714).

⁵⁷ Clerk, *Memoirs*, p. 51.

⁵⁸ *Ibid.*, p. 52.

he held from 1709, when the Court was created, until his death, in 1755. He took his job very seriously, officiating as Chief Baron when the latter was missing, which was very often, and going so far as to stifle his creative poetic impulses lest they should impair his public image as a judge: “I had a great inclination to poetry, both in Latine and English, but I curbed as much as I cou’d these salies of fancy as what I thought inconsistent with the gravity of a judge”.⁵⁹

As civic-minded authors who held official functions and led public lives, Fletcher, Clerk and Lockhart had a great many predecessors, many of them much more illustrious than they were, such as Cicero, who successfully ascended the Roman *cursus honorum* to become consul in 63, the Italian humanists Coluccio Salutati and Leonardo Bruni, who were both appointed Chancellors of Florence while Machiavelli was nominated second Chancellor of that city, or Sir Thomas More, who was awarded the Lord Chancellorship of England by Henry VIII, to name but a few. Besides, from classical times onwards, an array of civic-minded authors endeavoured to demonstrate the superiority of the active over the contemplative life,⁶⁰ of *negotium* over *otium*. They defined the good citizen as one who participated actively in the public life of his country, as did Plato and Aristotle,⁶¹ who considered that “the name of citizen [was] particularly applicable to those who [shared] in the offices and honours of the state”.⁶² This conception of the good citizen as involved in public concerns and the advantages of the active life were also championed, among others, by Cicero,⁶³ the historians Polybius, Sallust and Tacitus,⁶⁴ the Italian medieval scholar Marsilius of Padua,⁶⁵ who followed Aristotle very closely,⁶⁶ the Florentine civic humanists Leonardo

⁵⁹ *Ibid.*, p. 215.

⁶⁰ Mark Hulliung, *Citizen Machiavelli*, New Brunswick/London, Transaction Publishers, 2015, p. 6.

⁶¹ Riesenber, *Plato to Rousseau*, p. 46.

⁶² Riesenber, *Sparta to Washington*, p. 118.

⁶³ Riesenber, *Plato to Rousseau*, p. 76-77; Hulliung, *Citizen*, p. 122.

⁶⁴ Hulliung, *Citizen*, p. 121.

⁶⁵ Riesenber, *Plato to Rousseau*, p. 166; *Sparta to Washington*, p. 149.

⁶⁶ Riesenber, *Plato to Rousseau*, p. 167; *Sparta to Washington*, p. 146.

Bruni,⁶⁷ Matteo Palmieri⁶⁸ and Machiavelli⁶⁹ as well as the English humanists Sir Thomas More, Thomas Elyot and Thomas Starkey.⁷⁰ However, the ideal of participatory citizenship was not explicitly defended by Fletcher, Clerk and Lockhart, who took it for granted. Indeed, by the middle of the seventeenth century, the doctrine of the active life had triumphed everywhere in Europe,⁷¹ including in Scotland, and was in no need of further ideological support.

If they implicitly agreed about the merits of the active life and *negotium*, Fletcher, Clerk and Lockhart differed about the role that the citizen should play in the defense of the nation, its liberty and safety. According to Fletcher, every citizen should be a soldier and bear arms.⁷² An unarmed citizen is no more than a slave: “The possession of arms is the distinction of a freeman from a slave [...] he who thinks he is his own master, and has anything he may call his own, ought to have arms to defend himself and what he possesses, or else he lives precariously and at discretion”.⁷³ Arms ensure the citizen’s liberty and that of his country. Indeed, they are “the only true badges of liberty”,⁷⁴ as the history of Scotland reminds us: “Our ancestors by being always armed, and frequently in action, defended themselves against the Romans, Danes and English; and maintained their liberty against the encroachments of their own princes”.⁷⁵ In order to be able to handle arms properly, every citizen should be exercised regularly.⁷⁶ If need be, he would thus be able to fight for his country within a militia. Only a well-regulated militia can guarantee the safety and liberty of the community. Fletcher brushes asides all doubts concerning its military efficiency. He is adamant that it is perfectly “capable of defending a nation against foreign enemies”. Besides, it is a guarantee that the free institutions of the country will be preserved:

⁶⁷ Riesenbergh, *Plato to Rousseau*, p. 193.

⁶⁸ Baron, *Crisis*, p. 330.

⁶⁹ Hulliung, *Citizen*, p. 122.

⁷⁰ Riesenbergh, *Plato to Rousseau*, p. 214-215.

⁷¹ *Ibid.*, p. 243; Hulliung, *Citizen*, p. 8.

⁷² Andrew Fletcher, “A Discourse of Government with Relation to Militias”, in *Andrew Fletcher: Political Works*, p. 23.

⁷³ Fletcher, “Speeches”, p. 150.

⁷⁴ Fletcher, “Discourse”, p. 23.

⁷⁵ Fletcher, “Speeches”, p. 150.

⁷⁶ Fletcher, “Discourse”, p. 22, 23.

“A good militia is of such importance to a nation, that it is the chief part of the constitution of any free government [...] a good militia will always preserve the publick liberty. But in the best constitution that ever was, as to all other parts of government, if the militia be not upon a right foot, the liberty of that people must perish”.⁷⁷ Accordingly, Fletcher’s scheme of limitations (article IX) provides that “a national militia, of all men between the ages of sixteen and sixty, should be at once armed with bayonets, firelocks, and ammunition”.⁷⁸ Mercenary troops are not to be trusted. Fletcher deplores the existence of “those vast armies of mercenaries” which now operate in Europe “to her affliction and ruin”. Such armies are not reliable. Mercenaries “make a trade of war”. Deprived of all honour, they have “ignoble minds” and only “follow the wheel of fortune”.⁷⁹ Fletcher is especially distrustful of mercenary standing armies in peace time. He insists that “the keeping up of any standing forces in time of peace is not only useless, but destructive to the well-being of this nation”.⁸⁰ Indeed, a nation that keeps standing forces in peace time is no longer free: “And since in our time most princes of Europe are in possession of the sword, by standing mercenary forces kept up in time of peace, absolutely depending upon them, I say that all such governments are changed from monarchies to tyrannies”.⁸¹ It is vain for Parliament to hope to be able to control a standing army after it has been established and given free rein, “for he that is armed, is always master of the purse of he that is unarmed”.⁸² Hence, Fletcher’s provision, in his scheme of limitations (article VIII), that “without consent of parliament there should be no standing army”.⁸³

Clerk disagrees with Fletcher on these various points. He obviously does not think that every citizen should be entrusted with the defense of the country. In his view, it is essentially the business of professional soldiers. Thus, when called upon to muster a local militia at the time of the jacobite rebellion of 1715,

⁷⁷ *Ibid.*, p. 19, 21.

⁷⁸ Fletcher, “Two Discourses Concerning the Affairs of Scotland”, in *Andrew Fletcher: Political Works*, p. 70.

⁷⁹ Fletcher, “Discourse”, p. 9, 10, 14.

⁸⁰ Fletcher, “Two Discourses”, p. 46.

⁸¹ Fletcher, “Discourse”, p. 3-4.

⁸² *Ibid.*, p. 4.

⁸³ Fletcher, “Two Discourses”, p. 70.

he only did so with the greatest reluctance, stressing that he was acting under compulsion: “During these convulsions in my native country, I was obliged to change my course of living and turn a Military Man, for being appointed one of the Lieutenants of the Shire of Edin., I was obliged to act my part in bringing the Militia together”.⁸⁴ Then, when the jacobite uprising of 1745 broke out, he deterred his eldest son James from joining the King’s troops against the rebels on the grounds that he had not gone through the required military training: “I commended his zeal, but since he has not been bred in a military way I dissuaded him from the service, but rather to go home to Scotland and do what service he cou’d among the country people”.⁸⁵ Besides, Clerk has a very poor opinion of the military capacity of militias. The one he raised in 1715 “consisted of a few men, Horse and foot, who never continued 3 days together, and signified nothing in the military way, the Low-land-men being a great deal more unfit for warlike expeditions than the Highlanders who had joined the Earl of Mar”. Admittedly, they “sometimes made a show”, but it was only because “they served to intimidat[e] those who knew nothing about them”.⁸⁶ On the other hand, he had nothing but praise for the mercenary troops who challenged the jacobites in 1745: “My only Hopes, next to the assistance of almighty God, depended entirely on the Troops which his Majesty had sent for from Flanders, together with about 4 or 5000 Dutch and Swiss who landed near newcastle. These in all might amount to above 30 000 men”.⁸⁷

Lockhart adopts a middle of the road non-ideological, non-committal position on these issues, praising the military contribution of both militias and mercenary troops to the defense of the country. He thus observes that “when the nation’s service required, the subjects were obliged, and did attend, the royal standard, where they maintained themselves and gave as signal proofs of fidelity and courage as the mercenary troops nowadays”.⁸⁸

⁸⁴ Clerk, *Memoirs*, p. 89.

⁸⁵ *Ibid.*, p. 192.

⁸⁶ *Ibid.*, p. 89. See also p. 190.

⁸⁷ *Ibid.*, p. 190.

⁸⁸ Lockhart, *Memoirs*, p. 243. See also p. 103.

By defending the existence of a militia or citizen army and denigrating mercenary troops and standing forces, Fletcher falls in line with a civic tradition going back to Antiquity. In *Politics*, Aristotle argued that citizenship involved the bearing of arms and pleaded for an armed and independent citizenry.⁸⁹ Professional soldiers were willing to fight only when their forces were superior and, when things did not go their way, they were “the first to fly while citizen-forces [died] at their posts [...]; for to the latter, flight [was] disgraceful and death preferable to safety on those terms”.⁹⁰ The idea that all citizens should be allowed to bear arms was taken up by the ancient historians Livy and Polybius.⁹¹ The latter also denigrated the hiring of mercenary troops, to which he attributed the defeat of Hannibal’s army at the hands of native Roman soldiers.⁹² The classical concepts of the armed citizen and the citizen army were revived by Florentine humanists. Petrarch deplored Florence’s employment of mercenaries, who were guilty of cupidity and pusillanimity. Being only concerned with getting their pay, they were more inclined to run away from their enemies than to fight them. This complaint was also voiced by Salutati. Mercenaries, who were only greedy for booty, felt no compulsion to stand up for the liberty of the Florentine republic, which should be defended by its own citizens. Similarly, Leonardo Bruni denied that “the love of money” could ever be a proper motivation for fighting.⁹³ He regretted the times when “the Florentine people themselves went to war and took up arms” to defend their city.⁹⁴ They had stopped doing so since the abolition of military service in 1351.⁹⁵ Bruni denounced this measure and endeavoured to revive the militia ideal in several works, in particular the *Oration* he composed in 1428 for the funeral of Nanni Strozzi. While the mercenaries had remained on the defensive, Strozzi had engaged the enemy directly, so much so that, through the sacrifice of his life, he had made it possible for the Florentine troops to win this battle, thus showing “what a great difference there [was] between

⁸⁹ Skinner, *Machiavelli*, p. 36; *Foundations*, p. 76.

⁹⁰ Aristotle, *Nicomachean Ethics*, in Baron, *Crisis*, p. 432.

⁹¹ Skinner, *Machiavelli*, p. 36.

⁹² Hulliung, *Citizen*, p. 131.

⁹³ Skinner, *Foundations*, p. 75-76, 173; Robertson, *Militia*, p. 9.

⁹⁴ Leonardo Bruni, *Praise of the Florentine City*, in Baron, *Crisis*, p. 431.

⁹⁵ Baron, *Crisis*, p. 433.

foreign soldiers and those fighting for the love of their city”.⁹⁶ The ideal of a citizen army likewise found a staunch advocate in the person of Machiavelli. True citizenship, he argued, involved the bearing of arms⁹⁷ and a city should accordingly be “armed with her own weapons and with her own men”.⁹⁸ Mercenaries were “useless and dangerous”.⁹⁹ Denying the adage that “riches [were] the sinews of war”, he claimed instead that “war [was] made with steel and not with gold”.¹⁰⁰ As a second Chancellor of Florence, Machiavelli was able to put his words into action. Following repeated failures of the Florentine troops and the mutiny of the captains of ten mercenary companies in the 1505 campaign against Pisa, he took the initiative and framed a plan for replacing Florence’s mercenary troops with a militia, which was adopted by the Great Council in December 1505. The new citizen army was operational in late 1506. It did not perform well against the Spanish infantry when it encountered the latter near Prato in 1512. But this failed to shake Machiavelli’s belief in the intrinsic superiority of citizen militias over mercenary troops.¹⁰¹ It was a conviction he shared with the English republican, James Harrington, who drew up a detailed and original plan for a national militia bringing together all English freeholders in *The Commonwealth of Oceana* (1656).¹⁰² The issue resurfaced in the late 17th century in the shape of the standing army controversy.¹⁰³ Besides Fletcher, the anti-army, pro-militia publicists were John Trenchard, Walter Moyle and John Toland. They were in favour of a “universal militia of the propertied” and insisted that it was adapted to modern warfare. On the other hand, they considered that the existence of a standing army in peace time would confer too much authority and power on the Crown and constitute a threat to liberties.¹⁰⁴ They were answered by the pro-army, anti-militia authors Lord Somers and Daniel Defoe. The

⁹⁶ Bruno, *Oration*, in Skinner, *Foundations*, p. 77. See also Baron, *Crisis*, p. 432.

⁹⁷ Skinner, Machiavelli, p. 36.

⁹⁸ Niccolò Machiavelli, *A Provision for Infantry*, in Skinner, *Machiavelli*, p. 37.

⁹⁹ Niccolò Machiavelli, *The Prince* [1532], ed. by Quentin Skinner and Russell Price, Cambridge, Cambridge University Press, 1988, p. 43.

¹⁰⁰ Machiavelli, *Discourses*, in Skinner, *Machiavelli*, p. 85, 86.

¹⁰¹ Skinner, *Machiavelli*, p. 36-37.

¹⁰² Robertson, *Militia*, p. 15.

¹⁰³ *Ibid.*, p. 26-29.

¹⁰⁴ *Ibid.*, p. 28.

latter poured scorn on plans for a militia, “that black swan”, as he called it.¹⁰⁵ Such a structure was unsuited to modern times. War had become “a trade”, which called for discipline and experience, and required that people make it “their whole employment”.¹⁰⁶ Somers for his part, pointed out that regular troops had always been more efficient than citizen armies, as illustrated by the cases of Sparta, Athens and Rome, who had managed to defeat their enemies as long as their troops had been properly trained and disciplined.¹⁰⁷ With regard to standing armies, Defoe denied that they might unduly reinforce the monarch’s prerogative, insofar as it would be subjected to the power of Parliament.¹⁰⁸ Thus, unlike Fletcher, Clerk sided with the pro-army, anti-militia controversialists Defoe and Somers. Lockhart, for his part, preferred not to take sides. More generally, whereas Fletcher’s position on the citizen militia issue generally lies within the civic tradition, Clerk’s obviously does not.

Fletcher’s falling into line with the civic tradition on this issue can be accounted for by his attraction to classical republicanism and his advocacy of measures – such as those contained in his scheme of limitations – that would turn Scotland into a quasi-republican nation. Besides the classics, Fletcher had also imbibed the works of Machiavelli, one of the staunchest champions of the militia ideal. James Robertson has shown how indebted to Machiavelli’s thought Fletcher was, going so far as to call him a neo-machiavellian.¹⁰⁹ Finally, Fletcher was a Country Whig and, as such, was wary of anything that might seem to reinforce the power of the Court, which a standing army was supposed to do. On the other hand, Clerk’s Court Whig identity goes a long way towards explaining his support for standing forces, just like his opposition to republicanism and to Fletcher’s scheme of limitations accounts for his reservations about citizen militias. His own experience as a lieutenant of a local militia in 1715 and his acute perception of its inefficiency may also have contributed to forging his anti-militia position. As for Lockhart’s failure to

¹⁰⁵ *Ibid.*, p. 27.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*, p. 27-28.

¹⁰⁸ *Ibid.*, p. 29.

¹⁰⁹ John Robertson, “Introduction”, in *Andrew Fletcher: Political Works*, p. xviii-xxviii.

condemn either militias or mercenary forces, it seems dictated by expediency rather than ideology. Jacobites could hope to infiltrate militias to carry out their subversive plans for the restoration of the Stuart dynasty. It is no coincidence that, in Scotland, the agitation in favour of the reestablishment of a national militia only took place in the late 1750s, after the last Jacobite rebellion (1745-1746).¹¹⁰ As for mercenary forces, it was difficult for Lockhart to condemn them as the exiled Pretender would have to rely on such troops, on French troops in particular, if he ever was to regain his throne.

In order to participate actively in public affairs and, if necessary, fight for his country and preserve its liberty, the citizen should be virtuous. He should in particular possess public or political virtues.¹¹¹ Not only should he be public-spirited and patriotic, but he should also be courageous, loyal and honest. Fletcher, Clerk and Lockhart all agree on this. We can however find some slight differences in emphasis between these authors. Fletcher, for instance, lays much stress on the need for courage and sister virtues such as bravery, spirit, manliness, gallantry, etc. Clerk and Lockhart, for their part, set much store by honour and the necessity to keep one's word. We must also note the latter's idiosyncratic use of the terms "honesty" and "loyalty" which, under his pen, as under that of most Jacobites, means "fidelity to the Jacobite cause".

Fletcher, Clerk, and Lockhart often refer to the various virtues that the good citizen should have, but, except for Fletcher – on a few occasions –, they do not mention the word "virtue" in the classical sense of the term or the related Latin and Italian expressions, *virtus* and *virtù*. The meaning of these words fluctuated a lot. Besides, the English word "virtue" was used to translate both *virtus* and *virtù*. According to the Roman moralists Cicero and Seneca, the man of *virtus*, or the true *vir*, possessed the four virtues

¹¹⁰ Robertson, *Militia*, p. 53. See also Richard B. Sher, *Church and University in the Scottish Enlightenment: The Moderate Literati of Edinburgh*, Princeton, New Jersey, Princeton University Press, 1985, p. 216-236.

¹¹¹ For a distinction between political and moral virtues in the context of early eighteenth-century Britain, see Shelley Burt, *Virtue Transformed: Political Argument in England, 1688-1740*, Cambridge et al., Cambridge University Press, 1992, p. 5, 9-10.

of wisdom, fortitude, temperance and wisdom, later to be called “cardinal virtues”. He was also graced with qualities such as honesty, magnanimity and liberality, yet to be identified as “princely virtues”. Finally, he was required to behave as virtuously as possible in all circumstances.¹¹² To this list of virtues, some humanist authors such as Francesco Patrizi added the Christian qualities of piety, religion and faith. In *The Institution of a Republic* (1518), Patrizi noted that the man of *virtus* could be recognized by his “absence of private ambition” and his disposition to place the benefit of the Republic above his personal interests¹¹³ or, to use Pocock’s words, to identify “his particular good with the good of all”.¹¹⁴ Besides, *virtus* was the quality that made it possible for the man who was endowed with it to tame Fortune and enjoy her favours. As a woman, she was sensitive to manly courage. As Livy put it repeatedly, fortune favours the brave.¹¹⁵ As a consequence, it was bound to oblige the man of *virtù*. The Italian word was also used in that context, not least by Machiavelli, who suggested, not without erotic innuendo, that Fortune may occasionally take a perverse pleasure in being ruthlessly treated.¹¹⁶ But the word “*virtù*”, especially under the pagan pen of Machiavelli, lost the Christian connotations with which the term “*virtus*” had come to be endowed. It became emblematic of an exclusive devotion to the political and military life.¹¹⁷ Clerk and Lockhart never used that term. Neither did they resort to its Latin counterpart, the word “*virtus*”. Fletcher, on the other hand, did employ several times the term “*virtù*” in the original Italian edition of his *Discourse concerning the Affairs of Spain* (1698), a sign of his greater proximity and familiarity with the civic tradition.

According to Fletcher, Lockhart and Clerk, the good citizen should avoid corruption. However, this was no easy matter. Fletcher highlights the extent of corruption in Britain, referring to the period in which he wrote as “this most corrupt age”.¹¹⁸ The

¹¹² Skinner, *Machiavelli*, p. 40-41.

¹¹³ Francesco Patrizi, *The Institution of a Republic*, in Skinner, *Foundations*, p. 175.

¹¹⁴ Pocock, “Civic Humanism”, p. 88.

¹¹⁵ Skinner, *Machiavelli*, p. 29.

¹¹⁶ *Ibid.*, p. 33.

¹¹⁷ Robertson, *Militia*, p. 10; Hulliung, *Citizen*, p. 124.

¹¹⁸ Andrew Fletcher, “A Discourse Concerning the Affairs of Spain”, in *Andrew Fletcher: Political Works*, p. 104.

main seat of corruption was England, especially the English Court. Fletcher notes that, in the 1703 Scottish parliament, “the great places and pensions conferred upon Scots-men by that court, made them to be willing instruments in the work [of ruining Scotland]”.¹¹⁹ So, for the time being, the good citizen should refrain from attending the English Court. He will not miss anything: “At court, what can we learn, except a horrid corruption of manners, and an expensive way of living, that we may for ever after be both poor and profligate?”¹²⁰ He will be all the better for it, as he will thus avoid the temptations of London, which is infected with corruption, like all large cities, since “bringing together such numbers of men and immense riches into one city, inevitably corrupts all good manners”.¹²¹ But Fletcher puts forward solutions to free Scotland from “a ruinous dependence upon the English court”¹²² and sort out the problem of corruption. Concerning that of the Scottish Parliament, it will be solved by his scheme of limitations, which provides that all offices, both civil and military, and all pensions, should be awarded by the Scottish Chamber itself, instead of by the Crown, i.e. the English ministry.¹²³ Indeed, “no man will be tempted to vote against the interest of his country, when his country shall have all the bribes in her own hands, offices, places, pensions”.¹²⁴ Besides, as regards urban corruption, and the corruption of London in particular, he suggests replacing the latter by twelve “cities of moderate extent”, since such cities are easily governed and much less prone to corruption.¹²⁵ Like Fletcher, Lockhart denounces the attempt of the English court to corrupt the 1703 Scottish parliament, inveighing against the “bribing and bullying of members, unseasonable adjournments and innumerable other ungentleman[ly] methods”¹²⁶ that were used during that session. Besides, he famously revealed that “money was remitted to Scotland from England and employed in bribing members of Parliament”¹²⁷ to induce them to vote in favour of the Treaty of

¹¹⁹ Fletcher, “Speeches”, p. 132.

¹²⁰ *Ibid.*, p. 165.

¹²¹ Fletcher, “Account”, p. 202.

¹²² Fletcher, “Speeches”, p. 133.

¹²³ *Ibid.*, p. 135.

¹²⁴ *Ibid.*, p. 165.

¹²⁵ Fletcher, “Account”, p. 211-212.

¹²⁶ Lockhart, *Memoirs*, p. 40.

¹²⁷ *Ibid.*, p. 252.

Union (1707). The good citizen should turn his back on such frail public actors and, instead, emulate Fletcher, who “was so steadfast to what he thought right that no hazard nor advantage, no, not the universal empire nor the gold of America, could tempt him to yield or desert it”.¹²⁸ Clerk was also led to expose some cases of corruption. As a member of the Commission of Public Accounts (1703-1704), he let his disapproval filter through when he reported that “very great abuses had been committed, for still a considerable part of the money remained in the rapacious hands of those who had collected it”. However, Clerk was not as obsessed with corruption as Fletcher or Lockhart, as shown by another remark he made as a Commissioner of Accounts: “We finished our Enquiry in about 6 months, for we came to be weary of our office of Inquisition”.¹²⁹ Clerk overlooked Walpole’s corruption, although he admitted that the latter “greatly enriched himself, family, and friends”, and was a machiavellian politician.¹³⁰ Clerk’s conception of citizenship may have been slightly less exacting than Fletcher’s or Lockhart’s when it came to the issue of corruption.

The denunciation of corrupt practices falls within a civic tradition that reaches back to Antiquity. Public office corruption, defined by Bruce Buchan and Lisa Hill as the “abuse of office for private gain”,¹³¹ was condemned by Plato, Aristotle, Demosthenes, Cicero, Epictetus and many other ancient writers.¹³² Like Plato, all of them castigated those public officials who were “bribe-takers and money-lovers”.¹³³ Public office corruption was also strongly decried by Machiavelli and other Renaissance writers. However, all those authors also censured what Bruce Buchan and Lisa Hill call “degenerative corruption”, defined by those historians as a “process of decay or degeneration of the moral and political character of individuals, corporations, governments or states”.¹³⁴ Thus, according to Machiavelli, corruption occurred when the citizens lost interest in politics or when they promoted their

¹²⁸ *Ibid.*, p. 44.

¹²⁹ Clerk, *Memoirs*, p. 52.

¹³⁰ *Ibid.*, p. 157.

¹³¹ Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption*, Basingstoke, Hampshire, Palgrave Macmillan, 2014, p. 17.

¹³² *Ibid.*, p. 13, 16, 17, 18, 28.

¹³³ *Ibid.*, p. 18.

¹³⁴ *Ibid.*, p. 6.

personal ambitions at the expense of the common good;¹³⁵ in other words, when they renounced the pursuit of virtue, thus threatening the liberty of the community to which they belonged. This was the classical conception of corruption.¹³⁶ It was endorsed by Fletcher when he denounced the corruption of manners prevailing among the inhabitants of London and, more generally, of large cities. But it was not shared either by Clerk or Lockhart. As regards our three Scottish authors' denunciation of public office corruption, Fletcher's and Lockhart's condemnation seems much stricter than Clerk's. This should not surprise us. Fletcher was a Country Whig, and Lockhart, a Country Tory. They both belonged to a Country tradition which designated public office corruption as a major target. Clerk, on the other hand, was a Court Whig. In view of the Court's extensive use of patronage and, occasionally, bribery, no wonder that he may have been tempted to look away from acts of corruption or, at least, not to track them down with excessive vigour.

The sway of Stoicism and Stoic-Ciceronian moralism: The virtues of *otium*

Fletcher's, Clerk's and Lockhart's outlooks on citizenship are also indebted to Stoicism and Stoic-Ciceronian moralism. Indeed, these authors show – Clerk in Particular – that *negotium* can to some extent be reconciled with *otium*.

Although the good citizen should lead an active life, he should also be able to devote some time to his private life and periodically withdraw from the public arena. He should not refrain from personal study (especially when the object of that study is classical culture). Clerk sets a very high standard for the good citizen to follow when it comes to personal study. A true virtuoso, he was interested in almost every subject. Roman antiquities, the classics, mathematics, philosophy, law, history, astronomy and medicine were among those that claimed his studious attention.¹³⁷ He was also proficient in drawing and music, a field in which he had been tutored by Arcangelo Corelli, the Italian master, during

¹³⁵ Skinner, *Machiavelli*, p. 64.

¹³⁶ Pocock, "Civic Humanism", p. 88; Robertson, *Militia*, p. 11.

¹³⁷ Clerk, *Memoirs*, p. 62, 73-74, 166-167, 214, 220.

his Grand Tour on the Continent.¹³⁸ Clerk spent much time studying in his library at Pennicuik and elsewhere. A great collector of books, he was also an extremely avid reader. He was familiar with all the Roman classics – including the works of Livy and Salust as well as Horace’s *de Arte Poetica*, which he was once “persuaded to have read 50 times before” – and many of the Greek.¹³⁹ He likewise “read over all the Histories and all the memoirs and pamphlets that related to the affaires of England and Scotland”.¹⁴⁰ If much of his reading was intended for his personal edification, some of it was undertaken on account of his public activities. His appointment as Commissioner of Public Accounts in 1703 thus prompted him to read many books in the relevant fields: “From the rising of the Parliament, which was about the end of September 1703, I retired to Pennicuik, and applied very closely to my studies, especially to the law and practice of Scotland in all its several courts, for I was resolved that the favours which some of my good friends had heaped on me should not be thought entirely thrown away, and in pursuance of which I returned to town about the beginning of November, and joined with those Commissioners who had been appointed in the last session of Parliament to state and examine the public accounts”.¹⁴¹ Some of his reading priorities were also dictated by his office as Baron of the Court of Exchequer: “The Laws of both nations claimed my particular care, as I was a Baron or Judge in a sovereign Court, and therefor[e] during the terms of the Exchequer I applied my self very seldom to any other study”.¹⁴²

Besides reading books, Clerk conducted various field studies. He visited and searched several archeological sites with Roman remains. In 1724, he made an expedition to Hadrian’s wall with Alexander Gordon, a famous Scottish antiquary whose patron he was, and viewed it again in 1739. Stonehenge was one of the other sites he visited. But he also surveyed some lesser-known sites such as that of Middlebee, where he found some “fine pieces of Antiquity” that he was able to exhibit at Pennicuik.¹⁴³

¹³⁸ *Ibid.*, p. 137.

¹³⁹ *Ibid.*, p. 84-85, 215.

¹⁴⁰ *Ibid.*, p. 84-85.

¹⁴¹ *Ibid.*, p. 50.

¹⁴² *Ibid.*, p. 74.

¹⁴³ *Ibid.*, p. 138.

Clerk was almost as eager to investigate the skies as to excavate the earth. To do so, he acquired a telescope, which made it possible for him to watch in wonder a comet and various celestial bodies: “By the assistance of a Reflecting Telescope I saw first the Comet with its Tail in the greatest glory it had ever appeared [...] Next I saw the planet of Venus in great beauty, and towards the west the planets of Saturn and Jupiter with their satellites; but what made the finest appearance of all, was the moon near her last quarter [...] Next the sun rose in great splendour, which yet for half an hour did not obscure the Comet”.¹⁴⁴

Not only did Clerk read books on every subject and explore his terrestrial and celestial environment, but he also consigned the fruit of his inquiries to paper. As John Gray put it, “his pen was never idle”.¹⁴⁵ He wrote on a whole range of political, economic, social and antiquarian subjects. He even composed some poems, although he quickly gave up that genre which did not suit his public image as a judge, as he saw it. An autobiography and a journal of his travels also feature in the list of his writings. But his *magnum opus* was undoubtedly his “De Imperio Britannico”, a history of the Anglo-Scottish Union written in Latin, which he revised on several occasions, but never published. This extremely ambitious work, which recounted the relations between England and Scotland from the Roman occupation to the Union of 1707, made very heavy demands on Clerk’s time, endurance and powers of concentration: “This I confess was a very arduous attempt, and therefore to accomplish it I not only read over all the Roman Classics, but made very large Excerpts from them all, particularly from Livy and Salust, whom I was chiefly to imitat[e] in my History”.¹⁴⁶ Clerk eventually managed to complete a first draft of this work, but he then multiplied his revisions and kept postponing its publication, to the extent that it was not released during his lifetime. His endless revisions betray a certain diffidence about his work and a reticence to face the public’s judgment.

Fletcher had no such compunction about the reception of his own works, which were published soon after they were

¹⁴⁴ *Ibid.*, p. 168.

¹⁴⁵ John M. Gray, “Introduction”, in Clerk, *Memoirs*, p. xxii.

¹⁴⁶ Clerk, *Memoirs*, p. 84-85.

composed – and met with some success. He also differed from Clerk in that he did not write a history of the Union of 1707, which he accounted for by the fact that he had kept no notes of the proceedings and that his memory was not reliable enough.¹⁴⁷ However, like Clerk, he had a great thirst for knowledge and valued learning. In his *Speeches by a Member of the Parliament which began at Edinburgh the 6th of May, 1703*, he quotes with approval a passage from sir William Temple’s essay “Of Heroic virtue” which reports that, although China was an absolutist nation, its officers of state were selected on the basis of their learning, among other criteria.¹⁴⁸ Like Clerk, again, he had a thorough grounding in the classics, which he owed, in part at least, to his first tutor, Gilbert Burnet. His works are interspersed with references to ancient authors. He was also a bibliophile. Most of the books he collected were later gathered in the library that his great nephew, Lord Milton, built in 1775 to accommodate them.¹⁴⁹ Lockhart, for his part, notes that “Andrew Fletcher of Saltoun in the first part of his life did improve himself to a great degree by reading and travelling”.¹⁵⁰

Lockhart also prized learning. In his *Memoirs*, he praises Hugh, Earl of Loudoun, who was “endowed with good natural parts and had much improved them in his younger years by reading”,¹⁵¹ and Roxburgh, who “was a man of good sense, improved by so much reading and learning that, perhaps, he was the most accomplished young man of quality in Europe”,¹⁵² while he blames David, Earl of Leven, for being “master of no kind of learning”.¹⁵³ Lockhart, himself, was instructed in the classics – like most Scottish gentlemen of his period – and occasionally referred to them in his works, but his knowledge of ancient Roman and Greek literature was obviously far less extensive than that of either Fletcher or Clerk.

Besides being allowed to occasionally take some time away from his civic duties to study and ponder on the human condition,

¹⁴⁷ G.W.T. Omond, *Fletcher of Saltoun*, Edinburgh, Oliphant/Anderson and Ferrier, 1897, p. 147.

¹⁴⁸ Fletcher, “Speeches”, p. 163.

¹⁴⁹ Omond, *Fletcher*, p. 149.

¹⁵⁰ Lockhart, *Memoirs*, p. 43.

¹⁵¹ *Ibid.*, p. 60.

¹⁵² *Ibid.*, p. 64.

¹⁵³ *Ibid.*, p. 60.

the good citizen, according to Clerk, Fletcher and Lockhart, should now and then be allowed to withdraw from the public arena to indulge in leisure and recreational activities. In Clerk's mind, the line is not always clearly drawn between study and leisure. For instance, reading is sometimes considered as the former, sometimes as the latter, as when he notes that "except the time I spent at my favourite diversions [...], all my leisure houres were spent on books".¹⁵⁴ Neither is he quite consistent about the status he attributes to drawing and music, which "had always great charms for [him]".¹⁵⁵ However, he did consider some of his activities to be purely recreative. They included fishing, shooting, "fowling", "pouting" and riding. He found the latter not only pleasant but useful and good for his health: "I have many times had occasion to observe that nothing contributes more to my health than exercise, especially a little riding".¹⁵⁶ This sport was especially beneficial when it was combined with his "frequent diversions of fowling and fishing".¹⁵⁷ Lockhart also relished those "countrie amusements",¹⁵⁸ even though he did not report on them in as much detail as Clerk did. Fletcher may have appreciated them as well, but he was more fond of urban distractions and more at ease in the coffee and chocolate houses of Europe's big cities than in the company of Scottish country gentlemen.¹⁵⁹ This was his own way of withdrawing from the civic sphere.

Clerk, Lockhart and Fletcher set limits to their active life. They endeavoured to combine *negotium* with *otium*. Clerk, in particular, managed to do so quite well, moving to and fro between the public and the private spheres of his life with great ease. Together with Lockhart and Fletcher, he could claim classical precedents for his chosen lifestyle. The Stoics viewed the active life and the contemplative life, *negotium* and *otium* as complementary rather than contradictory. According to Seneca, reflection should inform action. The man of leisure should act, and the man of

¹⁵⁴ Clerk, *Memoirs*, p. 73-74.

¹⁵⁵ *Ibid.*

¹⁵⁶ Clerk, *Memoirs*, p. 96. See also p. 83-84, 99.

¹⁵⁷ *Ibid.*, p. 83-84.

¹⁵⁸ Lockhart, *Letters*, 119 (letter from Lockhart to Argyll, August 18, 1715).

¹⁵⁹ Robertson, "Introduction", in *Andrew Fletcher: Political Works*, p. xiv-xv.

action should allow himself some spare time.¹⁶⁰ Cicero, a Stoic-influenced writer, also admitted that, “though born for grave affairs, a citizen [did] need his occasional amusements”.¹⁶¹ His main suggestions for recreation and leisure activities were the eading of Plautus’s works and going hunting.¹⁶² Clerk, Lockhart and Fletcher likewise follow in the footsteps of Cicero when they express their devotion to the *studia humanitatis*, that is to say the study of Greek and Latin, rhetoric, ancient history, moral philosophy and the art of imitating the best models of classical style.¹⁶³ This Ciceronian pedagogical programme was revived by some civic humanists such as Salutati, Bruni, or Machiavelli, but also by humanists outside the civic tradition, who praised the contemplative life and practised *otium* such as Petrarch, Filippo Villani, Roberto de’ Rossi, Giovanni Conversino, or Nicollò Niccoli, who, according to Giannozzo Manetti, his first biographer, “preferred to live a happy life with his books, without much property or honors, unmarried, free of worries about transitory things, in leisure, peace, and tranquillity”.¹⁶⁴ Fletcher, Lockhart and Clerk took Cicero’s *studia humanitatis* very seriously. Clerk, in particular, shows to what lengths he was ready to go to reach that pedagogical ideal by reading all the works of Greek and Roman historians in order to be able to emulate and imitate them before he settled down to writing his *magnum opus*, “De Imperio Britannico”.¹⁶⁵ He also shows his determination to conform to Ciceronian standards by composing that work in Latin, “in disdainful disregard of the culture of the populace”,¹⁶⁶ to take up the expression used by Mark Hulliung to refer to those humanists who, unlike Machiavelli, wrote their works in Latin, and not in the vernacular language accessible to all. However, it should be noted

¹⁶⁰ See Seneca, “On Retirement”, in *Seneca: Selected Dialogues and Consolations*, trans., with introduction and notes by Peter J. Anderson, Indianapolis/Cambridge, Hackett Publishing Company, Inc., 2015, p. 97-103.

¹⁶¹ Hulliung, *Citizen*, p. 171.

¹⁶² *Ibid.*

¹⁶³ Skinner, *Machiavelli*, p. 6, 7.

¹⁶⁴ Giannozzo Manetti, *De Illustribus Longaevis*, in Baron, *Crisis*, p. 322-323.

¹⁶⁵ John Clerk, “A List of the Books I made use of in compiling this History besides those I used on account of the Latine language in which I was to write” (Appendix B), in John Clerk, *History of the Union of Scotland and England*, trans. and edited by Douglas Duncan, Edinburgh, Scottish History Society, 1993, p. 179-181.

¹⁶⁶ Hulliung, *Citizen*, p. 167.

that, unlike Fletcher and Lockhart, Clerk was also interested in subjects that fell outside the scope of the *studia humanitatis* such as mathematics, logic or astronomy, which were part of the programme designed by John Locke in *Some Thoughts Concerning Education* (1693).

Moreover, while the good citizen is expected to show public and civic virtues when holding office, he should also, especially during those periods when he withdraws from public life, display moral virtues, both ancient and Christian. These include compassion. Fletcher recalls that “the antients” did not give “the least check to a tender compassion for the necessities of others (a virtue so natural to great minds, so nicely to be preserved and cherished)”.¹⁶⁷ He also points out that “Christianity teaches us to shew a greater measure of compassion to those who are knowingly and voluntarily obstinate to ruin both themselves and others”.¹⁶⁸ It is not decent to eat delicate dishes or buy superfluous objects when our “fellow citizens” are starving everywhere, as in Scotland in the late 1690s. By failing to rescue their most necessitous compatriots from famine, the Scots have “banished natural compassion from amongst [themselves]”.¹⁶⁹ However, it was not dismissed by Clerk, who could show compassion for one of his main political opponents, the Stuart Pretender, whom he refers to – without an ounce of irony – as “the unhappy Pretender”, “the poor unhappy Pretender”, or else, “the poor unfortunate prince”.¹⁷⁰ While this type of empathy is obviously of a superficial kind, Clerk showed a most visceral kind of compassion for his father when the latter was suffering from a bad boil: “I suffered more during his illness than I believe he did himself”.¹⁷¹ Neither was Lockhart devoid of compassion for his fellow-citizens. He showed some for the family of his friend Thomas Lockhart, whom he recommended to Robert Harley for a post as Auditor to the Commissioners on the grounds that “he has been much beholden to him at [his] election in the Countie of edinburgh, wher he’s a freeholder and his circumstances, by some misfortunes, are not so good as he deserves, so that both in [...]

¹⁶⁷ Fletcher, “Two Discourses”, p. 65.

¹⁶⁸ Fletcher, “Speeches”, p. 162.

¹⁶⁹ Fletcher, “Two Discourses”, p. 56-57, 65.

¹⁷⁰ Clerk, *Memoirs*, p. 93.

¹⁷¹ *Ibid.*, p. 97.

compassion to his numerous family, I make this petition to you and your granting it will be a singular obligation".¹⁷²

Besides being compassionate, the good citizen, according to Fletcher, Clerk and Lockhart should be charitable and generous. Fletcher deplores that the Scots, by failing to provide adequately for the poor, should have "effaced all the vestiges of christian charity" from Scotland and denounces their "avarice".¹⁷³ Charity and generosity are also very dear to Clerk, as he confesses in his *Memoirs*: "I was never greedy of money, I have been so far from wronging any body that I have often abetted my just rights to purchess peace of mind and an honest character. I have likeways, I thank God, had great inclinations to charity, agreeable to my abilities and the care I thought my self oblinded to take of a very large family of children; I have maintained many poor families and many poor workmen, which I thought was one of the best ways of being charitable".¹⁷⁴ Clerk's generous actions are not only the outcome of a spontaneously charitable disposition. They are also a matter of principle for him. Indeed, he considered that, as a Baron of the Exchequer, who received public money, he was somehow bound in duty to redistribute part of it to those in need: "I was constantly of opinion that since his majesty King George the First, and before him Queen Ann, supported me not only in necessaries but in superfluities, it was my duty to support several of my poor Country-men. Agreeable to this principle, I, for the most part, supported at least a dussan of them, and several times above a score, so that I hope the publick will not think the money unprofitably spent which was bestowed on me".¹⁷⁵ Lockhart may not have been as inclined to generous actions as Clerk, as his generally harsh treatment of his tenants suggests. However, he occasionally revealed a charitable bent as well. He once asked John Hay of Cromlix, Earl of Inverness, to intercede on behalf of one Thomas Sinclair, who was "in a starving condition": "I wish it were possible to get something done for him and a small thing would

¹⁷² Lockhart, *Letters*, p. 43 (letter from Lockhart to Robert Harley, January 6, 1711).

¹⁷³ Fletcher, "Discourse", p. 2; "Two Discourses", p. 65; "A Speech upon the State of the Nation", p. 126, 127.

¹⁷⁴ Clerk, *Memoirs*, p. 215.

¹⁷⁵ *Ibid.*, p. 232.

do it".¹⁷⁶ Besides, in a moving posthumous letter to his eldest son George Lockhart junior, he urged the latter to be generous to his siblings, since "charity requires such kind of aid".¹⁷⁷ He also paid a vibrant homage to generosity in a letter to Catherine, Countess of Galloway: "Man came not into this world merely for himself, but to act a social part, to assist and relieve all mankind as far as he can, and in so far as particular friends or near relations are concerned to venture and expose himself to certain degrees of inconvenience and danger in their service".¹⁷⁸

The models of citizenship embodied by Fletcher, Clerk and Lockhart also prize frugality and sobriety. Fletcher condemns the behaviour of poor, uneducated people who "are to be seen both men and women perpetually drunk, cursing, blaspheming, and fighting together"¹⁷⁹ – although he was occasionally prone to violence himself. Clerk also sets much store by frugality and sobriety, as well as sister virtues such as moderation, temperance or self-restraint. During his Tour, he resented the behaviour of one of his fellow-travellers, who "was constantly drunk, and never minded any thing but to inquire about the best taverns, eating and wine". Neither did he approve of the latter's "debaucheries and blasphemies".¹⁸⁰ On the other hand, he was pleased that his son John was "very sober and temperate", like himself – partly for the sake of his public image: "I never choised to drink [...] nothing had more influence upon me than the character I bore as a judge, for I always thought that no man lookt so poor so contemptible and detestable as a drunken judge".¹⁸¹ Lockhart was no judge, but he also prized sobriety. He was thus quite dismissive about the earls of Balcarras and Dunmore, who "had no further ambition than how to get as much money as to make themselves drunk once or twice a day". He also blames Argyll for his lewdness, as well as for his excess of "impetuosity, passions and positiveness".¹⁸²

¹⁷⁶ Lockhart, *Letters*, p. 243 (letter from Lockhart to John Hay of Cromlix, 1st Earl of Inverness, September 2, 1725).

¹⁷⁷ *Ibid.*, p. 346 (letter from Lockhart to George Lockhart junior, between 1721 and 1726).

¹⁷⁸ *Ibid.*, p. 338 (letter from George Lockhart to Catherine, Countess of Galloway, [1729]).

¹⁷⁹ Fletcher, "Two Discourses", p. 67.

¹⁸⁰ Clerk, *Memoirs*, p. 24.

¹⁸¹ *Ibid.*, p. 212.

¹⁸² Lockhart, *Memoirs*, p. 34, 81.

The ideal citizen, according to our three authors, should likewise show humility and modesty. Fletcher denounces “vanity” and “ambition, the mother of wars”. He castigates in particular “the natural pride of [the Scottish] commonalty, and their indisposition to labour”.¹⁸³ Clerk also condemns vanity. More specifically, he rejects all notion that he might be vain and is eager to undeceive those who might be misled into thinking so by reading his *Memoirs*: “I am [...] sensible that in reading several things here and in other parts of this book some may ascribe to vanity, but I declare the case with me is quite other ways, for to avoid this imputation I have actually passed over a great many things I might have said. I hate egotisms”.¹⁸⁴ Accordingly, he extols his deceased father for his “humility” and “self-denial”.¹⁸⁵ Lockhart blames the Earl of Haddington and the Duke of Atholl – among others – for their failure to possess those virtues: the former was “hot, proud, vain and ambitious”,¹⁸⁶ while the latter’s “vanity and ambition extended so far that he could not suffer an equal”.¹⁸⁷

Gratitude and thankfulness are also expected from the good citizen. Those were virtues which Clerk had in good supply. He was especially grateful for the favours bestowed on him by the Duke of Queensberry, who, among other things, had him appointed a Commissioner for the Union negotiations and a Baron of the Court of Exchequer. As a consequence, as promised to Queensberry before his death, he regularly helped the latter’s son with the management of his estate, spending about ten days each year at Drumlanrig to fulfill his pledge: “I had indeed no salary or reward from the Duke of Queensberry, but having received great favours from his deceased Father, I cou’d do no less than serve him and his family to the utmost of my power, and besides, I was by promise to him on his death bed solemnly engaged to assist his son in all his affaires”.¹⁸⁸ Grateful to the men that helped him, Clerk was also thankful to God for the kindnesses he lavished

¹⁸³ Fletcher, “Two Discourses”, p. 65; “Account”, p. 192.

¹⁸⁴ Clerk, *Memoirs*, p. 71.

¹⁸⁵ *Ibid.*, p. 109, 110.

¹⁸⁶ Lockhart, *Memoirs*, p. 84.

¹⁸⁷ *Ibid.*, p. 42.

¹⁸⁸ Clerk, *Memoirs*, p. 131-132. See also p. 174.

upon him: “To this great blessing of recovering my Health, God was pleased to add two more, for my Wife was brought to bed of a second son [...] and I likewise happily fell uponn a very convenient Villa for me, the House and lands of Cammo”.¹⁸⁹ But Clerk expressed gratitude to God even when the latter inflicted hardships upon him.

The good citizen, according to Clerk, should also show fortitude and submit to God’s will without repining. Thus, following the death of his son John in 1722, Clerk was able to find solace in the fact that he had still several children left and to thank God for it: “Here I had time to reflect on the goodness of God, that tho’ he had lately deprived me of my Eldest sone, yet I had reasone still to be thankfull for the Children he had left me, for I had no fewer than 5 sones and 4 daughters”.¹⁹⁰ Similarly, for all the grief and suffering he went through following the loss of his son Patrick, he found comfort in the fact that he had won the respect of his military superiors: “I have reasone in the mean time to be thankful to God that he died much honoured, respected and regretted by all the military Men who were acquainted with him, for many children die who are a disgrace to their parents”.¹⁹¹ Clerk stresses the need to accept one’s destiny and submit to God’s Providence and decrees: “All that passes here below is by the wise direction and providence of Almighty God, and the Man is happy, very happy, who can subdue his passions and inclinations, calmly submitting to his fate”.¹⁹² As a result of submitting to God’s will, Clerk acquired inner peace and serenity: “I was generally always in temper, few things rufled me, which kind of tranquillity was partly oweing to my constitution, and partly to a phylosophick kind of guard which I endeavoured to preserve over all my words and actions”. Not even the approach of death was able to trouble him: “I accustome myself to think of death without the least disturbance. On this account I live with great tranquility, and eat and sleep as well as ever I did in all the course of my life”.¹⁹³

¹⁸⁹ *Ibid.*, p. 78.

¹⁹⁰ *Ibid.*, p. 112.

¹⁹¹ *Ibid.*, p. 162.

¹⁹² *Ibid.*, p. 144.

¹⁹³ *Ibid.*, p. 213, 222.

The ideal citizen should thus show piety and faith in God. Although he was averse to all kind of religious enthusiasm or intolerance, Clerk was a pious man. He was proud of his grand father, a doctor, who was “a very philosophical man, but a man of good learning and very great piety, for he used always to pray to his patients as well as prescribe medicines for them”. Clerk was also glad that his son John “had a great sense of religion”.¹⁹⁴ So had Lockhart. Fletcher was undoubtedly more secular-minded, but he did not reject Christianity and asserted its superiority over paganism: “And though the heathens thought virtue a sufficient reward for itself; yet the christian religion with more truth and solidity has accompanied it with other advantages”.¹⁹⁵

The model of citizenship embodied by Clerk, Fletcher and Lockhart – by Clerk especially – obviously falls in with the requirements of the Roman moralists, in particular Cicero and Seneca, with whose works and detailed discussions of virtues – cardinal and other – they were extremely familiar. It was obviously influenced by Cicero’s praise of generosity and propriety, which the latter found “essential to moral rectitude”.¹⁹⁶ It was just as patently shaped by Seneca’s discussion of gratitude and clemency. Clerk’s model of citizenship in particular is greatly indebted to Stoicism. The way he faces adversity, submits to the decrees of fate and accepts the loss of those who are dear to him testifies to the strength of his Stoic values, as does the Montaigne-like serenity with which he prepares himself to meet death. Like Alexander Pope, he seems to consider that “whatever is, is right”.¹⁹⁷ His Augustan Stoicism blends well with his Christian values, as fate, fortune and Providence seem somewhat interchangeable in his eyes. Christian Stoicism is often said to be an oxymoron to which the term “neo-Stoicism” is to be preferred, but the example of Clerk shows that the two doctrines can coexist smoothly in one man. Besides, Clerk’s model of citizenship allows for a certain harmony between self-interest and the interest of the community. This appears more specifically in his acts of charity towards destitute families. Indeed, when he decides not to use the public

¹⁹⁴ *Ibid.*, p. 8, 112.

¹⁹⁵ Fletcher, “Speech”, p. 126.

¹⁹⁶ Cicero, *On Duties*, in Skinner, *Machiavelli*, p. 53. See also Riesenbergh, *Plato to Rousseau*, p. 77.

¹⁹⁷ Alexander Pope, *An Essay on Man*, London, 1734, p. 22.

money he receives from the state to satisfy his own private needs only, but resolves to redistribute it in part to cater for the needs of those necessitous families, he promotes the interest of the community to which he and they belong as a whole. He may not exactly subordinate his self-interest to the interest of that community, as required by the civic tradition, but he does find a way to somehow reconcile them.

**The effect of Enlightenment values:
Harmonising self-interest with the interest of the community**

Finally, Fletcher's, Clerk's and Lockhart's view of citizenship also bears the stamp of Enlightenment values. Although the good citizen should think of the common good, he should have no qualms about promoting his own enlightened self-interest. He should endeavour to vindicate his own rights and liberties. Fletcher complains that they are not as wide-ranging in Scotland as in England, as any Scotsman staying in London can see for himself: "But that which charms me most [about London and its inhabitants] is the liberty and rights they are possessed of in matters civil and religious".¹⁹⁸ Besides, the rights that the Scots do enjoy in theory are deliberately hidden from them so that they might not be tempted to assert them: "And that we might not know what rights and liberties were still ours [...] in the two last editions of our acts of parliament the most considerable laws for the liberty of the subject are industriously and designedly left out".¹⁹⁹ Lockhart, for his part, stresses the necessity to respect "the foundation and constitution" of the Parliament and "the liberty and right" of the citizen.²⁰⁰

Here, the emphasis is not on the good of the community, but on the rights and liberties of the individual. The language of natural rights used reflects a liberal, Lockean conception of citizenship which stresses rights rather than duties. However, it is not incompatible with a more civic kind of discourse. Indeed, as Peter Riesenberg reminds us, although Cicero belongs to the communitarian tradition, he defends private property and admits

¹⁹⁸ Fletcher, "Account", p. 178.

¹⁹⁹ Fletcher, "Speeches", p. 132.

²⁰⁰ Lockhart, *Memoirs*, p. 15.

that the citizen is “justified in caring for his private interests”.²⁰¹ Besides, Fletcher subscribes here to the English Whig historiographical tradition according to which, before the Union of 1707, the English enjoyed more rights than the Scots, which is rather unusual on the part of an opponent of the Union and a Scottish patriot. This is a new confirmation of Robertson’s thesis that Fletcher’s patriotism is of a “discriminating” type.

While the good citizen should, when given the opportunity, look after the affairs of the state, he should also make sure that he does not neglect the management of his estate, provided he owns one. If he is a landowner, he should be an improver. His task will not be easy, if Fletcher is to be believed. Right now, in Scotland, rents are too high. As a result, tenants are very poor, so that they cannot pay their labourers properly and have no money left to improve or enclose their lands. Neither have lesser freeholders and heretors the stocks required to enhance the productivity of theirs owing to their expensive lifestyle.²⁰² Other handicaps include the untrustworthiness and laziness of labourers and the country people’s opposition to “all manner of inclosure”.²⁰³ However, these obstacles may be overcome. To do so, Fletcher recommends passing two laws: one “prohibiting all interest for money” and another one ensuring that “no man should possess more land than so much as he should cultivate by servants”. Fletcher is confident that if such laws were implemented, “the country would be quickly improved to the greatest height of which the soil is capable” and would thus “produce the double of what it now does”.²⁰⁴ Lockhart was also persuaded of the necessity to introduce new farming methods. He was an improving landowner, who managed his estate efficiently. His domain of Carnwath adjoining that of Pennicuik, he often discussed improvements with Clerk and his father. He once asked the latter for heather in order to cover some barren lands: “Being obliged this summer to thieck the Melne [i.e. mill] of Roseline, I’ve made a bargain with a man to do it, but he tells me he knows not how to get heather unless you will allow him to pull it in your

²⁰¹ Cicero, *On Moral Obligations*, in Riesenber, *Plato to Rousseau*, p. 78.

²⁰² Fletcher, “Two Discourses”, p. 71, 74.

²⁰³ *Ibid.*, p. 71-72.

²⁰⁴ *Ibid.*, p. 76, 77.

ground”.²⁰⁵ On the other hand, he once spared some trees for Clerk: “As for the apple trees, I can’t tell you the price of the dwarf sett in paradise Stock. They are twixt 12 and 18 pence per pine [...] if it can do you any service, I believe I can spare you 40 or 50, for I bought them because they were so cheap, tho my grounds are not readie and I shan’t have use for them for a year or 2”.²⁰⁶

Indeed, Clerk carried out massive plantations in his estates of Pennicuik, Cammo and Mavisbank for half a century. It all started in March 1703 when he “fell exceedingly into the humure of planting and makeing of nurseries”.²⁰⁷ In 1730, he could claim that he had “within these 30 years, planted more than 300,000 Trees, which in time may be of considerable valow”.²⁰⁸ He was very proud of this achievement, highlighting that “all the Plantations about Pennicuik, except a few at the house, were made by [him]”.²⁰⁹ Only in 1754 – that is to say two years before his death – did he put an end to his planting activities, with a sense of achievement: “This year, 1754, after many years labour, I finished all my plantations at Pennicuik.”²¹⁰ His improvements were not confined to planting – as extensive as it was. They also included the laying out of gardens, the digging of ponds, the piercing of avenues, the building of houses, stone bridges and various other structures, and the enclosing of lands with hedges, fences, ditches and dykes.²¹¹ Clerk was particularly pleased with his building of a new road that provided an easier access to his property: “There was nothing that I ever did which cost me less truble or gave me more satisfaction”.²¹² He was also delighted with his “square pond” filled with carp and tench, which he looked upon as “the greatest ornament of the House of Pennycuik”.²¹³ Besides, he enclosed many of his lands, both in Pennicuik and Mavisbank, although he found that “our Scotch tenants are so far from

²⁰⁵ Lockhart, *Letters*, p. 3 (Lockhart to Sir John Clerk, May 3, 1703).

²⁰⁶ *Ibid.*, p. 53 (letter from Lockhart to Baron John Clerk, December 6, 1711). See also p. 190 (letter from Lockhart to Baron Sir John Clerk, early April 1723).

²⁰⁷ Clerk, *Memoirs*, p. 45.

²⁰⁸ *Ibid.*, p. 136.

²⁰⁹ *Ibid.*, p. 96.

²¹⁰ *Ibid.*, p. 78.

²¹¹ *Ibid.*, p. 232-234.

²¹² *Ibid.*, p. 133-134.

²¹³ *Ibid.*, p. 137.

understanding or encouraging Inclosures that they take all the pains in the world to destroy them”.²¹⁴ Moreover, in the 1730s, he endeavoured to promote new farming methods and abolish the age-old practice of run-rig – intermixed strips where barley and oats were grown together in the same plot of land – in spite of his tenants’ opposition: “About this time [1730] I got my Tenants at Pennicuik to divide their Lands, for till now all of them were in Run-Rig. This I found a very difficult matter, for that few Tenants cou’d be induced to alter their bad methods of Agriculture”.²¹⁵ Clerk was able to note with satisfaction as early as 1731 that, as a result of those improvements, the estate which his father had bequeathed to him was “of much greater valou”.²¹⁶ But that “greater valou” did not redound on him alone, It also benefited Scotland and Britain as a whole.

When improving his estate, the good citizen improves his country at large. Indeed, Clerk notes that his improvements not only raised and embellished his estate but also Scotland: “In all my projects I have studied either to do useful things, or such as would ornament my country as well as my Estate”.²¹⁷ Thus, while the tower he built on the top of the hill known as “the Knight’s law” was useful to his family as a dovecoat, it was likewise “an ornament to the country”. Besides, his improvements stimulated the economy and gave work to people who were in need of it, which he felt bound to do since he had received public money as a Baron of the Exchequer: “I have on many occasions carried on several expensive projects, at least such as were too heavy for a Privat[e] Man, who had a large Family of children; but this I thought a kind of duty, for as I received yearly about 500 lib ster of the king’s money, so I seemed to be under an obligation to bestow an good part of it on his subjects who were Masons, Wrights, and other workmen”.²¹⁸

Somewhat unexpectedly, Clerk urges those who have much money not to be excessively thrifty with it and to inject it into the economy of the country for the sake of their poorer

²¹⁴ *Ibid.*, p. 159.

²¹⁵ *Ibid.*, p. 136-137.

²¹⁶ *Ibid.*, p. 136.

²¹⁷ *Ibid.*, p. 224-225.

²¹⁸ *Ibid.*, p. 225.

compatriots: “If all the world were as frugal as by the dictates of good oeconomy they ought to be, the half of Mankind wou’d starve. The poor must always live by the prodigality and extravagances of the Rich, at least every man who can afford to spend a little might do it for the benefite of the poor”.²¹⁹

Thus, all three writers are very much in favour of the improvement movement associated with progress and the Enlightenment and resented the obstacles to its expansion. But they had different views about the way it should best be promoted and about its implications. Fletcher did not trust the great landowners to improve their lands. As often, he was doubtful about the efficiency of private initiative. The state had to step in to promote the common good. Legislation had to be passed to remove the barriers to improvement. But, as usual, Fletcher’s original, if somewhat eccentric, prescriptions were not heeded.²²⁰ Lockhart, on the other hand, did not expect the state to intervene to eliminate impediments to the improvement movement. His view of the common good only extended to political matters. Agriculture was not part of it. Lockhart only relied on himself to manage and improve his estate, which he did often ruthlessly.²²¹ When he did turn to the state, it was only to its courts of justice to make sure that his property rights were not in any way infringed upon by his neighbours. Clerk’s position on improvement was different from either Fletcher’s or Lockhart’s. He had in mind both his private interest as an improver and the public interest, and considered that his self-interest could be made to coincide with the interest of the community. This was not an unusual view in the literature of improvement, where, according to T.C. Smout, “the self-interest of the improver and his country were constantly assumed to be identical”. Smout takes a rather cynical stance towards this self-representation of improvers: “However they deluded themselves, they were out for profit rather than benevolence”.²²² We cannot quite rule out that this was not Clerk’s

²¹⁹ *Ibid.*

²²⁰ Robertson, “note 41”, in *Andrew Fletcher: Political Works*, p. 79.

²²¹ Szechi, *Lockhart*, p. 34-36.

²²² T.C. Smout, “Problems of Nationalism, Identity and Improvement in Later Eighteenth-Century Scotland”, in *Improvement and Enlightenment: Proceedings of the Scottish Historical Studies Seminar University of Strathclyde, 1987-1988*, ed. by T.M. Devine, Edinburgh, John Donald Publishers Ltd., 1989, p. 15.

case, but his professions of altruism have an authentic ring about them, and he took some concrete measures to put them into practice. Clerk did not believe, as Adam Smith would later, that the interest of each individual coincided naturally and necessarily with the interest of the community to which he belonged. However, he was convinced that, in some areas, with some goodwill, self-interest could be made to harmonise with the common good, and that it was particularly true regarding agrarian improvements. Besides, Clerk's statement that "if all the world were as frugal as by the dictates of good oeconomy they ought to be, the half of mankind would starve" and that "The poor must always live by the prodigality and extravagances of the rich" is reminiscent of Mandeville's aphorism that "private vices" generate "public benefits" – albeit slightly toned down by Clerk's substituting the absence of "frugal" economic behaviour for Mandeville's "vices". It bears out Clerk's position that self-interest is compatible with the interest of the community, and shows that, in his eyes, the latter is more important than economic orthodoxy.

Besides, while the good citizen should not renounce the martial spirit of his ancestors, he should embrace the new commercial spirit. Admittedly, trade was sometimes carried on by dishonest people, and some commercial practices may be unfair.²²³ Moreover, credit was untrustworthy, and financial speculation, highly reprehensible. Lockhart looks upon paper credit with suspicion. The two proposals presented to the Scottish Parliament "for supplying the nation with money by a paper credit" were sponsored by unreliable persons. While Dr. Hugh Chamberlain "had with his projects in England, broke, and spent so great a part of his own money that he was necessitated to fly out of that kingdom", John Law, the son of a Goldsmith in Edinburgh, dilapidated his estate and presently "lived by gaming and sharpening". Lockhart was thus relieved that Parliament rejected those proposals and "passed a resolve that the establishing any kind of paper credit [...] was an unproper expedient for this nation".²²⁴ Besides, Lockhart was critical of the South Sea scheme right from the start. He denounced this project as unconstitutional – "the Constitution is wholly subverted, the

²²³ Fletcher, "Two Discourses", p. 73.

²²⁴ Lockhart, *Memoirs*, p. 91. See also Lockhart, *Letters*, p. 32 (letter from Lockhart to Henry Maule of Kellie, 5th Earl of Panmure, May 9, 1706).

whole power being now lodged in the hands of the South-Sea company, which is now become absolute masters of all the money, and have established such an interest, that King, Lords and Commons joyntly or separatly are meer names” – and predicted its failure.²²⁵ A little later, after the South Sea bubble had burst, Lockhart was able to claim that he had been “prophetic in what [had] since occurred” and that “what [had] hapned seemed to [him] all alongst unavoidable”. He was glad that he had “kept [himself] free”, but deplored that “many private familys” were “interely ruind” and that the country was “therby almost totally drained of current species”.²²⁶ So did Clerk. Contrary to Lockhart, he did invest some money into the South Sea Company, but, as he had some misgivings about the project, he played safe, so that, unlike some of his friends and acquaintances, he came through it unscathed.²²⁷ Yet, he denounced the scheme as “a meer buble”, “a meer Game of Fortune” and “a roguery”.²²⁸ Fletcher was no longer alive when the South Sea bubble grew and burst, but he did condemn stockjobbing.²²⁹

However, commerce was to be encouraged. The good citizen should not refrain from practising it. Public spirit is not incompatible with the spirit of commerce. Indeed, according to Fletcher, trade must be promoted, for it is a source of wealth. Scotland’s present poverty was due to its “neglect of trade, and chiefly of our fishing”,²³⁰ which was itself attributable to Scotland’s inability to take advantage of such assets as its good ports or its convenient geographical situation. The Scots must apply themselves assiduously to commerce if they are to recover from their current predicament.²³¹ For their endeavours to be successful, Fletcher recommends passing “a law prohibiting all interest for money”, which would ensure that a major part of the financial and human resources of the nation would actually go into trade.²³²

²²⁵ Lockhart, *Letters*, p. 148-149 (letter from Lockhart to James Murray, 1st Earl of Dunbar, August 2, 1720).

²²⁶ *Ibid.*, p. 153 (letter from Lockhart to James Murray, December 22, 1720).

²²⁷ Clerk, *Memoirs*, p. 103.

²²⁸ *Ibid.*, p. 104.

²²⁹ Fletcher, “Account”, p. 180.

²³⁰ Fletcher, “Two Discourses”, p. 71. See also p. 42.

²³¹ *Ibid.*, p. 38.

²³² *Ibid.*, p. 76.

Their task will not be an easy one, as “trade is now become the golden ball, for which all nations of the world are contending”,²³³ but it is worth accomplishing. Lockhart was also persuaded of the necessity for Scots to advance commerce and eager to contribute to its development, as he confessed to Major Simon Fraser: “I shall ever be readie to promote trade as far as my little stock will reach”.²³⁴ Clerk was similarly inclined. He took part in several commercial projects and encouraged his sons – including by providing them with the necessary funds – to become partners in “companies for carrying on the Whale and Herring fisheries”. He did so because he was convinced that “nothing contributes more for the Honour and Intrest of any Country than Trade honestly carried on, in all its branches”.²³⁵

By criticising credit, speculation and the world of finance, Lockhart, Clerk and Fletcher join the civic tradition. According to its main exponents, as Pocock reminds us, “the rentier or stockholder, whose stocks consisted in funds which he had lent to government in the expectation that government would provide him with an income” was a corrupt “social type”. He was less than a citizen because he had “specialized in the development of only one capacity” and was in a “dependent relationship to government, whereas that of the citizen [...] was defined in terms of his independence to the government in which he participated”.²³⁶ Lockhart’s Country identity may also have played a part in inducing him to condemn credit and speculation, since the “monied interest” was one of the main targets of the Country party – although the opposition to credit and speculation was not confined to Country circles, as the example of Clerk shows. On the other hand, Lockhart’s, Clerk’s and Fletcher’s praise of commerce – with some reservations in the latter’s case – and especially Lockhart’s and Clerk’s participation in commercial activities, are at odds with the civic tradition. Machiavelli, in particular, poured scorn on commerce. While Rome, the martial city, symbolised virtue, Florence, its commercial counterpart,

²³³ Fletcher, “Account”, p. 193.

²³⁴ Lockhart, *Letters*, p. 123 (letter from Lockhart to Major Simon Fraser, July 20, 1717).

²³⁵ Clerk, *Memoirs*, p. 224.

²³⁶ Pocock, “Civic Humanism”, p. 93.

stood for corruption.²³⁷ It put economics first instead of politics.²³⁸ Commerce brought in its train luxury, which corrupted men, inducing them “to prefer private goods to the *res publica*”.²³⁹ According to the historian John Robertson, civic virtue “did require that [citizens] abstain from direct, personal involvement in economic activity”.²⁴⁰ As Pocock put it, “the concept of the citizen or patriot was antithetical to that of economic man”.²⁴¹ However, Clerk claimed that his private commercial activities were a positive contribution to the commercial prosperity of his country, in other words, that his commercial self-interest coincided with Britain’s overall commercial interest, so that commerce was compatible with patriotism and enlightened citizenship.

Besides the commerce of goods, the good citizen should not shy away from the commerce of other men. He should not refrain from investing the social arena and cultivating sociability. Thus, in *An Account of a Conversation Concerning a Right Regulation of Governments for the Common Good of Mankind* (1705), Fletcher provides an example of polite conversation, one of the characteristic features of sociability. Meeting at the Earl of Cromarty’s lodgings in Whitehall, its main participants, Cromarty (a Scottish Episcopalian), Sir Edward Seymour (an English Tory), Sir Christopher Musgrave (an English Country Tory) and Fletcher himself discuss current events and issues such as the corruption of manners, luxury, urban vice, youthful virtue, the art of eloquence, patriotism, trade, national militias and standing armies, plans for union between England and Scotland, the role of Providence or the future organisation of Europe. However reshaped or recreated for the sake of literary propriety, this conversation may well have been based on a real encounter.²⁴² Fletcher must have felt at ease on that occasion as he was famed for practising the art of polite conversation in urban lodgings and coffee and chocolate houses in the great European cities, in particular London, Paris and Amsterdam.²⁴³ Lockhart also valued politeness. He praised the

²³⁷ Huiling, *Citizen*, p. 157.

²³⁸ *Ibid.*, p. 139.

²³⁹ Pocock, “Civic Humanism”, p. 89.

²⁴⁰ Robertson, *Militia*, p. 10.

²⁴¹ Pocock, “Civic Humanism”, p. 90.

²⁴² Robertson, “note 1”, in “Account”, p. 176.

²⁴³ Robertson, “Introduction”, p. xii-xv.

Scots for being a “polite people”, “as well bred and civilised as any other people”, and Scotland, for being a “polite nation”.²⁴⁴ The ideals of politeness and civility also influenced Clerk’s tastes and lifestyle. During his Grand Tour on the continent, he discovered that music favoured sociability, which induced him to practise the harpsichord with much assiduity: “As I found that there was no keeping of good and verteous company in either Holand, France, or Italy, and far less in Germany, without as much of the practise of musick as to enable one to bear a part in a Concert, I bestowed a great deal of pains on the Harpsecord, and in a year after was as well qualified to perform my part on that instrument as any Gentleman in Holand”.²⁴⁵ Later, he would not have to go to such lengths to associate with good company. In the course of time, he became acquainted with most of the major British politicians of his day, including Bolingbroke, Harley and Horace and Robert Walpole. He was also familiar with many members of the aristocracy, both Scottish and English, such as the Dukes of Queensberry and Argyll, the Earls of Pembroke and Hartford or Lord Burlington. Thus, he was able to visit their country seats, gardens and art collections. He was particularly impressed by the Earl of Pembroke’s estate:

My L^d Pembroke had recommended to me to see his House, Statues, and pictures at Wilton, in Wiltshire, near Salisbury. I went accordingly there, and saw the greatest collection of Greek and Roman statues that ever I saw in any palace abroad; besides, there are several capital pictures there of Raphael, Guido, Hanibal Caraci, Rubens, and others, but I think one of the finest pictures in Europe is that of the Pembroke Family by Vandyke, nothing but Life itself can equal the beuties of 5 or 6 of the Figures.²⁴⁶

Besides Pembroke, Clerk met and corresponded with several scientists, artists and antiquarians of his time such as Hermann Boerhaave, one of the most celebrated physicians of the eighteenth century,²⁴⁷ or the famous antiquarians and virtuosos Roger Gale, William Gilpin and William Stukeley, whom he patronized. He was likewise a member of several learned societies. Thanks to

²⁴⁴ Lockhart, *Memoirs*, p. 241, 242.

²⁴⁵ Clerk, *Memoirs*, p. 15.

²⁴⁶ *Ibid.*, p. 127-128.

²⁴⁷ *Ibid.*, p. 17-18.

Pembroke's support, he was made a fellow of the Society for Antiquaries of London (1707), while he was introduced by Roger Gale into the Royal Society (1660), of which he was also elected a member. The Spalding Gentlemen's Society (1710) and the Peterborough Gentlemen's Society (1730) likewise granted him membership. An active member of those societies, he wrote and gave papers on various subjects – on antiquities in particular – as part of their activities.²⁴⁸ Clerk, as shown by Iain Brown, was a true virtuoso.

Fletcher's, Lockhart's and Clerk's fondness for sociability, politeness and culture does not accord well with the civic tradition. As Pocock noted, "there was implicit in the creed of civic humanism a real doubt whether citizenship and culture were not at least partly incompatible".²⁴⁹ According to the civic tradition, the citizen was supposed to take an active part in the political life of his city or country, and not to waste time on seemingly uncivic, futile activities such as the practice of sociability, conversation or art. However, as a result of the Union of 1707, Scotland lost its Parliament and would soon part with its Privy Council. As a result, political power was transferred from Edinburgh to London, and opportunities for Scots to play an active public role in their country were fewer. So, they tended to turn to social and cultural activities, adopting "an Addisonian whig political, or rather, social, culture".²⁵⁰ In other words, there was a shift in Scottish public life "from the political and military to that blend of the economic, cultural and moral which we call the social for short".²⁵¹ Fletcher and Lockhart did not report on their experience of post-unionist sociability. But Clerk did so at length. He was able to derive much satisfaction from his various social, cultural and intellectual pursuits, but in most cases, they also benefited Scottish society as a whole, as did his patronage of artists and antiquarians, his restoration of some public buildings, or the papers he gave at events organised by learned societies to which he belonged. Thus,

²⁴⁸ Gray, "Introduction", p. xxiv-xxv.

²⁴⁹ Pocock, "Civic Humanism", p. 95.

²⁵⁰ J.G.A. Pocock, "Cambridge Paradigms and Scotch Philosophers: A Study of the Relations between the Civic Humanist and the Civil Jurisprudential Interpretation of Eighteenth-Century Social Thought" in *Wealth and Virtue*, ed. by Hont and Ignatieff, p. 240.

²⁵¹ *Ibid.*

in several respects, Clerk was able to make his social, cultural and intellectual interests coincide with those of the Scottish community.

Conclusion

I have shown in this paper that Fletcher's, Clerk's and Lockhart's conceptions of citizenship were shaped by three main ideological influences: the civic tradition, Stoic-Ciceronian moralism and the Enlightenment. However, the extent to which their outlooks on citizenship were forged by those ideological influences differs greatly. All three authors believe or tacitly acknowledge that, in keeping with the civic tradition, the good citizen should place the interests of his country above his own interests, had better take an active part in the political life of his community, should possess public virtues and ought to reject corruption. They admit, however, that, as required or permitted by Stoic-Ciceronian moral philosophy, he should occasionally be allowed to withdraw from the public arena to devote some time to study and leisure, and cultivate moral virtues. Finally, they agree, in conformity with Enlightenment values, that the good citizen should be encouraged to defend his individual rights, to improve his estate if he had one, and to practise sociability.

However, they diverge on several points. For instance, while Fletcher considers that citizenship involves the bearing of arms and, if necessary, fighting within a militia to defend one's country, Clerk estimates that militias are useless and that professional armies including mercenary troops in their ranks are preferable. Besides, whereas Fletcher and Lockhart are adamant that the good citizen should shy away from corruption, Clerk has a more relaxed attitude on this issue. Some differences also appear concerning the education of the citizen. Fletcher wishes to confine it to the *studia humanitatis*. Clerk, on the other hand, thinks that subjects such as mathematics or astronomy should likewise be part of it. Finally, while Clerk and Lockhart look favourably upon the citizen's participation in commercial activities, Fletcher does not mention the subject.

These divergences or differences in emphasis reflect ideological dissimilarities. As a Country Whig sympathetic to republicanism, Fletcher is, among our three authors, the one who is most deeply steeped in the civic tradition, as shown, for instance, by his defense of the militia ideal, although he is not quite immune to Enlightenment values, which induce him to support the improvement movement or to practise sociability. According to him, the basic rule that the citizen should place the general interest above his own interest ought to suffer no exception and apply to all fields. On the other hand, Lockhart, whose attachment to the civic tradition is much more tenuous, seems to consider that the obligation for the citizen to subordinate his self-interest to the common good, which, as a Jacobite, he equates with the restoration of the Stuarts, only concerns the political field. When it comes to defending his property rights or improving his estate, for instance, he only has his own interest in mind. Clerk's position somehow stands half way between the two. In spite of his great reverence for the classics, he is not as influenced by the civic tradition as Fletcher, as the little regard in which he holds citizen armies testifies. But he is not as ready as Lockhart to overlook the public good. As regards the realisation of improvements, the carrying on of commercial activities or the practice of sociability, he seems to consider that the citizen's interest can be made to coincide with the interest of the community to which he belongs. He does not quite think, like Adam Smith, that the self-interest of the individual is naturally and necessarily compatible with the general interest, but he does consider that, with some goodwill, it is possible for the citizen to make sure that his interest coincides at least partially with that of the community of which he is a member.

Marcelo Luzzi
(*Buenos Aires*)
traduit par
Maria Susana Seguin
(*Montpellier*)

**À l'extérieur de la citoyenneté
et de la *naturaleza* :
penser l'extranéité dans
les Lumières espagnoles¹**

Dès la deuxième moitié du XVIII^e siècle, les transformations du contexte atlantique entraînent une mutation conceptuelle de grande importance². Comme l'affirme Elias Palti, cette mutation conceptuelle repose sur un processus préalable de dégradation des prémisses de l'ordre discursif, en même temps que, dans le même processus, on assiste à la mise en cause des fondements mêmes du langage de cet ordre discursif, ce qui entraîne la naissance d'une nouvelle grammaire³. Les concepts du langage politiquent se

¹ Une partie de cette recherche a été réalisée grâce au soutien de la Fondation Slicher Van Bath de Jong du Center for Latin American Research and Documentation, Amsterdam.

² La référence à cette période renvoie à l'idée de *Sattelzeit* formulée par Koselleck (Reinhardt Koselleck, « A Response to Comments on the *Geschichtliche Grundbegriffe* », dans Hartmut Lehmann et Melvin Richter (éds.), *The Meaning of Historical Terms and Concepts. New Studies on Begriffsgeschichte*. Washington DC, German Historical Institute, 1996, p. 59-70). Pour une autre analyse de cette idée et de cette époque, qui va au-delà de la démarcation germanique, voir Claudio Sergio Ingerflom, « La historia conceptual y las distorsiones cognitivas del uso acríptico del concepto "Estado" », *Prohistoria*, n. 28, 2017, p. 26-32.

³ Elías José Palti, *La invención de la legitimidad. Razón y retórica en el pensamiento mexicano del siglo XIX. Un estudio sobre las formas del discurso político*.

transforment, notamment pour ce qui est de l'idée de citoyenneté : le citoyen cesse d'être le membre d'une cité pour devenir le membre d'un État constitutionnel⁴. En effet, durant le XVIII^e siècle hispanique, on passe du sujet politique membre de l'organisation municipale, entendu comme le voisin ou le naturel⁵ – ce qui ne remet pas en cause le privilège des qualités et des conditions issues de la lignée ou de l'honneur, comme chez les nobles qui faisaient partie de la monarchie espagnole, à un individu politique citoyen, l'homme avec des droits politiques et civiles de l'État libéral.

L'étranger, aussi bien au début qu'à la fin du XVIII^e siècle, était le sujet qui n'appartenait pas à la communauté politique : c'est-à-dire qu'il s'agissait et de l'individu placé à l'extérieur de l'être. Le fait de ne pas faire partie de la communauté politique, ou même de ne pas d'être installé dans le voisinage, signifiait qu'il n'était pas intégré à cette communauté. Ainsi, l'intégration apparaissait comme le processus de rupture théorique de l'extériorité ontologique de l'étranger. Pourtant, cette situation n'a pas été modifiée par la création des nouvelles organisations politiques aussi bien en Espagne que dans les nouvelles républiques américaines. Le nouvel ordonnancement juridique issu de la Constitution de Cadix (1812) en rendait compte dans son

México, FCE, 2005, p. 475-478. Voir aussi Javier Fernández Sebastián, « Las revoluciones hispánicas. Conceptos, metáforas y mitos », dans Perla de los Ángeles Chinchilla (éd.), *La Revolución Francesa : ¿Matríz de las Revoluciones?* Mexico, Universidad Iberoamericana, 2010, p. 133-223 et « Introducción. Hacia una historia atlántica de los conceptos políticos », dans Javier Fernández Sebastián (dir.), *Diccionario político y social del mundo iberoamericano. La era de las revoluciones, 1750-1850 [Iberconceptos-I]*, Madrid, Fundación Carolina, CEPC, 2009, p. 23-45. Voir également Francisco A. Ortega, « The Conceptual History of Independence and the Colonial Question in Spanish America », *Journal of History of Ideas*, v. 79, n. 1, 2018, p. 89-103.

⁴ Javier Fernández Sebastián, « Las revoluciones hispánicas. Conceptos, metáforas y mitos », dans Perla de los Ángeles Chinchilla (éd.), *La Revolución Francesa : ¿Matríz de las Revoluciones?*, *op.cit.*, p. 138, tout comme Cristóbal Aljovin de Losada, « Ciudadano y vecino en Iberoamérica, 1750-1850 : Monarquía o República », dans Javier Fernández Sebastián (dir.), *Diccionario político y social del mundo iberoamericano. La era de las revoluciones, 1750-1850 [Iberconceptos-I]*. Madrid, Fundación Carolina, CEPC, 2009, p. 179-303 et Julián González Torres, « Ciudadano/Vecino », dans Jordana Dym et Sajid Alfredo Herrera Mena (dirs.), *Centroamérica durante las revoluciones atlánticas : El vocabulario político, 1750-1850*, San Salvador, IEESFORD Editores, 2014, p. 45-60.

⁵ Tamar Herzog, *Vecinos y extranjeros. Hacerse español en la edad moderna*, Madrid, Alianza, 2006, p. 291-292.

article V, du chapitre I : « Todos los hombres libres nacidos y avecindados en los dominios de las Españas, y los hijos de éstos ». Dans le titre suivant on précisait que les étrangers qui auraient obtenu un acte de naturalisation de la part des Cortes, devraient être considérés également comme des Espagnols, même si leurs droits étaient réduits puisqu'ils ne pouvaient pas être députés des Cortes, ni membre d'aucune régence, secrétaires d'état, ou membres du conseil d'État (arts. 96, 193, 223 et 231 de cette constitution). Dans ce contexte, la rédaction de la constitution de Cadix comprenait la nouvelle grammaire de la citoyenneté et de la Nation, définissant les « Citoyen espagnol » – art. 18 – comme ces espagnols nés de père et mère espagnols et qui étaient « installés dans n'importe quel village des mêmes domaines ». De cette manière, en 1812 on constate que le critère du voisinage gardait son autorité, conformément au contexte politique. De même, cette constitution offrait les critères pour qu'un étranger puisse devenir espagnol, toujours en accord avec un critère de sang – par le mariage – et de propriété et de travail, tout en dépendant d'une sanction définitive des Cortées.

La mutation conceptuelle de cette période ne change pourtant pas la définition de l'étranger, puisque celui-ci continue à être présenté comme le sujet extérieur à la communauté politique. Ce qui change, c'est la composition de la communauté politique de référence par rapport à laquelle l'étranger était considéré dans les marges : les voisins, les naturels ou les citoyens⁶. Cette situation de l'étranger dans les marges de l'être s'est conservée en raison de sa condition de « non naturel », que ce soit parce qu'il n'était pas installé comme voisin, ou parce qu'il n'appartenait pas à l'un des royaumes qui composaient la monarchie espagnole, ou à la nation libérale espagnole elle-même. Cet article voudrait donc analyser l'articulation de cette condition de l'extranéité et de l'étranger dans les marges de la considération ontologique tout au long du XVIII^e siècle. Pour cela, on étudiera, dans un premier temps, la conformation du régime de vérité de la paix perpétuelle cosmopolite et la manière dont celui-ci marqua la notion d'extranéité. On discutera ensuite la place de l'étranger dans les

⁶ Sur l'extranéité et la nouvelle citoyenneté, voir Marta Bonaudo, « La invención de la ciudadanía moderna, ¿qué hacer con el extranjero? », dans José Álvarez Junco *et al.* (dirs.), *El historiador consciente : homenaje a Manuel Pérez Ledesma*. Madrid, UAM Ediciones-Marcial Pons, 2015, p. 227-264.

Lumières espagnoles, dans le contexte des débats autour de la « matière » d'Espagne, au cours des dernières décennies du XVIII^e siècle. Finalement on s'intéressera aux qualités des autres individus, de ceux qui n'étaient pas des naturels, les Espagnols, à partir des catégorisations proposées par les recensements du XVIII^e siècle.

1. Le régime de vérité de la condition d'étranger : économie et paix perpétuelle cosmopolite.

Il est extrêmement difficile de donner une définition univoque de l'extranéité et de l'étranger. Comme le rappelle Benjamin Boudou, l'étranger et « l'individu qui n'appartient pas à la communauté politique », mais auquel la définition normative (aussi bien que juridique) ou la pratique sociale empêchent de donner une définition essentialiste et objective : la condition d'étranger offre une définition suffisamment générique en raison des nombreuses réalités politiques qui la nourrissent et la traversent⁷. Dans l'un de ces travaux récents, Boudou problématise la question des étrangers dans le conflit général de la construction de la société libérale cosmopolite de la fin du XVIII^e siècle et du début du XIX^e à partir de la relation de l'extranéité avec le concept d'hospitalité. Il interroge le passage de l'hospitalité sacrée à une supposée hospitalité cosmopolite⁸. Dans ce sens, l'idée d'accueil renvoie aussi à l'idée de la maisonnée – propre à la conformation sociale de l'Europe moderne – selon laquelle le bon père de famille devait savoir, toujours en fonction des traditions propres aux sociétés de l'Ancien régime⁹, accueillir un hôte même si celui-ci ne faisait pas partie de l'unité de la maison : l'étranger pouvait être accueilli grâce à l'attitude généreuse du père de famille, qui faisait état de sa condition à travers l'accueil. Vattel lui-même s'en souvient lorsqu'il affirme que le seigneur d'un territoire était libre de fixer les conditions selon lesquelles il accueillait un étranger en

⁷ Benjamin Boudou, « Étranger (politique) », dans Pascal Mbongo *et al.* (dirs.), *Dictionnaire encyclopédique de l'État*, Paris, Berger Levrault, 2014, p. 422.

⁸ Benjamin Boudou, *Politique de l'hospitalité. Une généalogie conceptuelle*, Paris, CNRS Éditions, 2017, p. 89-117, 129-177. Sur la critique de l'idéal cosmopolite et sa supposé origine aristocratique voir Anthony Pagden, « El ideal cosmopolita, la aristocracia y el triste sino del universalismo europeo », *RIPF*, n. 15, 2000, p. 21-41.

⁹ Sur ce point, voir Arnold van Gennep, *Los ritos de paso*. Madrid, Alianza, 1969, p. 45-66.

même temps qu'il s'engageait à les protéger comme son propre sujet, et à lui assurer, dans la mesure de ses moyens, une sécurité totale¹⁰.

Les étrangers étaient alors des sujets qui rentraient dans les limites de la communauté politique, et qui devaient – conformément aux idées de la société hégémonique –, chercher les voies de l'intégration. Cette définition certainement négative des étrangers était fréquente au XVIII^e siècle. Ainsi, dans l'article anonyme « Cosmopolite » de l'*Encyclopédie* dirigée par Diderot et d'Alembert, on peut lire que ce terme était utilisé pour désigner une personne qui n'avait pas de résidence fixe, ou plutôt, un homme qui n'était étranger nulle part¹¹. La définition, qui donnait une idée négative du cosmopolitisme renvoyait, en même temps, à une définition négative, péjorative, de l'idée de l'étranger. Ne pas être étranger était par conséquent la preuve d'une reconnaissance sociale, de l'appartenance à une communauté politique. Cette idée du cosmopolitisme annonce déjà de nouvelles formes d'organisation sociale, même si elle comporte en même temps une conception négative de l'étranger commune à tout le XVIII^e siècle, et même aux siècles précédents.

Au moment de l'expulsion des Jésuites de tous les territoires de la monarchie espagnole, Le gouverneur de Buenos Aires, Bucareli y Ursúa (1766-1770), faisait sien le rapport du docteur Don Antonio Basilio de Aldao au sujet de la manière de gouverner les *reducciones* jésuites des Guaranis. Outre la défense de la frontière avec l'empire portugais, l'une des plus importantes préoccupations était de trouver les moyens d'intégrer les communautés indigènes à l'ensemble de la monarchie, étant donné qu'on considérait alors que les jésuites les avaient en avaient fait

¹⁰ Emer de Vattel, *Le droit de gens ou principes de la loi naturelle, appliqués à la conduite & aux affaires de Nations & de Souverains*, Londres, 1758, Tome I, Livre II, Chap. VIII, § 100 (p. 328-329) ; voir aussi le § 94.

¹¹ Article « Cosmopolitain ou Cosmopolite », dans Denis Diderot et Jean D'Alembert (dirs.), *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers*, Paris, 1751, v. IV, p. 297. Cet article terminait par la citation supposée d'un philosophe à qui l'on demandait sa définition du terme : « Je suis Cosmopolite, c'est-à-dire citoyen de l'univers. Je préfère, disoit un autre, ma famille à moi, ma patrie à ma famille, & le genre humain à ma patrie ».

protectorat propre¹². Dans ce rapport, la conception de termes tels que civilisation, civilité, culture, commerce (entendu aussi comme conversation), langue, langage, style et religion constituaient les catégories qui permettaient à Bucarelli et aux serviteurs de la monarchie espagnole de parler de ses différentes ontologies. À partir de ses critères, on classait les sujets, les bons et les mauvais, ceux qui faisaient partie ou pas de la communauté politique (et presque de la destinée) de l'empire espagnol, du moins aux yeux de ses serviteurs et gouvernants¹³.

Derrière ces termes, la logique de l'extranéité marquait l'une des limites possible des différentes ontologies au sein de la monarchie espagnole, tout comme elle identifiait ceux qui étaient intégrés dans son sein. Pendant les années 1770, dans la très noble Ville de Mexico, un anonyme – membres de l'école novohispana – propose une représentation claire de l'extranéité dans son *Allégorie de la monarchie espagnole avec les royaumes du Mexique et du Pérou*. Dans celle-ci, on voit la monarchie assise à son trône, entourée de plusieurs enfants (étrangers) qui profitent de sa protection. Certains d'entre eux sont même allaités par la monarchie, ce qui, conformément aux croyances médiévales encore en vigueur à cette époque, était un moyen de transmettre le lait (et le sang), l'essence même de la monarchie, par la monarchie elle-même. Certains de ses enfants sont habillés à la française ; d'autres sont noir, ce qui constitue une claire allusion à leur non appartenance au royaume hispanique. De même, sur le premier plan de l'œuvre, l'auteur anonyme présente les Royaumes du Mexique et du Pérou, qui enrichissaient la monarchie tout en la contemplant. Finalement, on pouvait lire la légende :

¹² Archivo General de la Nación de Argentina (désormais AGN), Sala IX, 17-05-05. División Colonia, Sección Gobierno, Misiones, Ordenanzas de Indios : « Ynstruccion, Addicion y ordenanzas Establecidas por el Xcmo. Señor Don Francisco Bucareli y Ursua Gouernador y Capitan General de Las Prouincias del rio de la Plata para el Gouierno de los Pueblos de Yndios Guaranies del Uruguay y Paraná ». Sur les instructions de Bucareli voir aussi BNE, Mss. 14497/22.

¹³ Au sujet des nombreux emplois du mot « civilisation », voir l'éclairante analyse d'Anthony Pagden, « Cultura y Civilización : Reflexiones sobre la historia de las ciencias humanas », *Revista de Antropología Social*, n. 4, 1994, p. 9-18.

Donde se ha visto en el Mundo
Lo que aquí estamos mirando
Los Hijos propios gimiendo
Y los extraños mamando.



Figures. Image et fragments de l'*Alegoría de la Monarquía española con los reinos de México y Perú*. Ca. 1770, auteur anonyme. Huile sur toile. Collection privée. Photographie réalisée par l'auteur de l'article dans le cadre de l'exposition *Pintado en México, 1700-1790 : Pinxit Mexici*, Palacio de Cultura de Citibanamex, Ville de Mexico.



L'œuvre anonyme dénonce la population étrangère à la monarchie et l'extraction des richesses de celle-ci. L'extranéité de ces populations s'explique ici par plusieurs critères : ne pas être originaire de certains des royaumes de la monarchie (même si dans le cas présent il s'agit plus spécifiquement d'appartenance au royaume de Castille, en particulier le Mexique et le Pérou) ; faire partie de groupes ontologiques qui ne partagent pas les valeurs

(physiques, religieuses, économiques, culturelles, politiques et identitaires) de la monarchie, ou définis comme tels par les Espagnols, et qui par conséquent n'étaient pas intégrés dans la communauté politique du royaume. Les étrangers étaient alors considérés comme des groupes à l'extérieur de l'être, qui pouvaient devenir des sujets de la monarchie ou qui pouvait être naturalisés – suivant différentes conjonctures – raison pour laquelle ils devaient être convertis ou contenus (toujours suivant la logique du discours hégémonique comme pratique du pouvoir / savoir de la monarchie).

Il existe de multiples exemples de la conversion et de la contention d'étrangers. Autour d'un siècle avant la réalisation de l'œuvre de l'école novohispana, sous le règne de Charles II, plusieurs auteurs – souvent des religieux, considérés à l'origine de l'interprétation du déclin de la monarchie espagnole – partageaient la vision du tableau mexicain : c'était les étrangers qui se cachaient derrière le malaise (le déclin) de la monarchie¹⁴. Ces auteurs critiquaient l'extraction des richesses de la monarchie par les étrangers et par conséquent l'appauvrissement (d'abord matériel, mais aussi identitaire, la perte de son essence) que cela entraînait dans l'affirmation de la monarchie elle-même. Saavedra Fajardo lui-même explique, dans son allégorie 69, l'extraction économique par l'Europe du Nord des richesses (américaines) de la monarchie, faisant même entendre, que l'Espagne était les « Indes de l'Europe ». Il affirme en ces termes comment avait lieu la double extraction de richesses, d'abord en Amérique puis en Castille : « de la inocencia de los indios las compramos por la permuta de cosas viles, y después, no menos simples que ellos, nos las llevan los

¹⁴ Il en existe de nombreux exemples, comme les cinq livres de Fray Juan de Castro (1667), dans lesquels il évoque les « saignées » que les étrangers provoquaient à la monarchie. Voir, à titre d'exemple, Luis Salazar y Castro, « Discurso político sobre la flaqueza de la Monarquía Española en el Reynado de D. Carlos segundo, y valimiento del Conde de Oropesa. Año de 1687 », dans *Semanario erudito, que comprehende varias obras inéditas, críticas, morales, instructivas, políticas, históricas, satíricas y jocosas de nuestros mejores autores antiguos y modernos*, éd. Antonio Valladares, Madrid, Alfonso López, 1787, vol. II, p. 129-144, et G. Alonso de Valeria, « Representación hecha à la Magestad del Rey Don Cárlos Segundo por el Obispo de Solsona, en el año de 1694, en que descubre los males de este Reyno », dans *Semanario erudito, que comprehende varias obras inéditas, críticas, morales, instructivas, políticas, históricas, satíricas y jocosas de nuestros mejores autores antiguos y modernos*, éd. Antonio Valladares, Madrid, Antonio Espinosa, 1790, v. XXX, p. 256-278.

extranjeros, y nos dejan por ello el cobre y el plomo »¹⁵. On trouve des appréciations similaires dans des œuvres postérieures du XVIII^e siècle dans lesquelles on propose des moyens pour protéger les monarchies, telles que le *Teatro monárquico* de Portocarrero, la *Crisis política* de Cabrera o el *Príncipe Católico* de Marin.

Si l'étranger restait étranger à la société qui l'accueillait, celui-ci vivait dans une forme d'incertitude – même vitale – qui ouvrait de nouvelles possibilités de liens politiques et identitaires entre ces sujets et le corps hégémonique de la monarchie¹⁶. De cette manière les différentes politiques religieuses de la monarchie et les différentes confessions religieuses, par exemple, déterminaient les stratégies et les techniques de gouvernements à propos de la contention et de la conversion de l'altérité. Ainsi, le 16 avril 1701, Philippe V confère aux Irlandais et aux Anglais catholiques avec plus de dix années de résidence en Espagne et mariés avec des Espagnoles et propriétaires de biens¹⁷, le privilège de faire du commerce et de posséder des biens, des faits qui seraient évoqués dans plusieurs demandes de naturalisation pendant le reste du siècle. De même, au début du XIX^e siècle et dans un autre contexte, à Buenos Aires, le vice-roi del Pino indique que les derniers affrontements avaient entraîné la perte de la maîtrise de l'arrivée d'étrangers (en particulier « Yngleses, Anglo-Americanos, Portugueses, y otros [...] »), ce dont avaient profité quelques protestants pour « difundir en conversaciones de Estado especies opuestas a nuestra Religion », raison pour laquelle il demandait une relation urgente de tout ce qui se présentait comme « des étrangers » afin de procéder à leur expulsion¹⁸. Dans ce cas, la religion devenait un autre élément d'intégration et, en même temps, le moyen de justifier l'exclusion des étrangers ; c'est-à-dire qu'elle constituait la limite de cette forme d'extériorité de l'être propre aux étrangers.

¹⁵ Diego de Saavedra Fajardo, *Idea de un príncipe político cristiano*, Munich, 1640, Milán, 1642, empresa 69 (nous soulignons).

¹⁶ Sur ce point, voir Marcelo Luzzi, « Extrañamiento, incertidumbre y posibilidad. Una propuesta para pensar la extranjería y los extranjeros en la monarquía española del siglo XVIII », *Bajo Palabra*, n. 17, 2017, p. 563-596.

¹⁷ Archivo Histórico Nacional (en adelante AHN), Estado, leg. 4816 (cette loi apparaît aussi dans la *Novísima Recopilación*, Libro VI, Título XI, Ley I).

¹⁸ AGN, Sala IX, 35-03-06, 12 de octubre de 1803.

Les lignes qui, pendant la XVIII^e siècle, permettent de définir une nouvelle société, cette société civile théorique qui rompt avec l'état de nature et qui provenait d'un contrat entre les individus souverains cherchant à protéger leurs propriétés (et en premier lieu leur vie) implique la conformation d'une nouvelle anthropologie fondée sur l'organisation et la division naturelle et raciale du monde et sur la classification des ontologies. Ainsi, partir de textes comme ceux de Bernier ou Buffon¹⁹, surgit la division raciale, naturelle et ontologique du monde, et avec elle une classifications des formes de gouvernement et des individus politiques prééminents²⁰. À la fin du XVIII^e siècle, Kant exprime clairement cette conception anthropologique et son imbrication dans la construction sociale des nouveaux États, ainsi que son implication dans le traitement des étrangers, une vision de l'homme et de l'histoire à partir d'un projet cosmopolite révision de la paix (libérale) comme sous-bassement du monde blanc²¹. Dans son *Idée d'une histoire universelle d'un point de vue cosmopolitique* (1784), Kant aborde le problème de la libre volonté. Pour cela il commence son exposé par la définition de l'homme : « la seule

¹⁹ François Bernier, « Nouvelles division de la Terre par les différentes espèces ou races d'hommes qui l'habitent [...] », *Journal des Sçavants*, avril 1684 ; Georges Louis Leclerc, Comte de Buffon, *Histoire Naturelle, générale et particulière, avec la description du Cabinet du Roi*, Paris, 1749-1788.

²⁰ La bibliographie au sujet de l'importance de la race et des classifications rationnelles des Lumières est très importante. On pourra voir Jean-Frederic Schaub, *Pour une histoire politique de la race*, Paris, Libraire du XXI^e siècle-Seuil, 2015 ; Silvia Sebastiani, *I limiti del progresso. Razza e genere nell'Illuminismo scozzese*, Bologne, Il Mulino, 2008 ; Nicholas Miller, *John Millar and the Scottish Enlightenment. Family life and world history*, Oxford, Oxford University Studies in the Enlightenment, 2017 ; Pierre Boule, « La construction du concept de race dans la France d'Ancien Régime », *Outre-mer*, n. 89, 2002, p. 162-165 ; Pierre Boule, *Race et esclavage dans la France de l'Ancien Régime*, Paris, Perrin, 2007 ; Robert Bernasconi et Tommy Lee Lott, *The Idea of Race*, Indianapolis, Hackett Publishing, 2000, p. 1-44, en particulier la section intitulée « The Classification of Races », et Emmanuel Chukwudi Eze, *Race and Enlightenment : A reader*, Cambridge, Blackwell, 1997, chapitres 4 et 5.

²¹ Pour une critique des implications de cette conception du cosmopolitisme, voir Costas Douzinas, « Entre la polis y el cosmos : El cosmopolitismo que vendrá », *Tábula Rasa*, n. 11, 2009, p. 53-66, ainsi que Carol Breckenridge, Sheldon Pollock, Homi Bhabha et Dipesh Chakrabarty (éds.), *Cosmopolitanism*, Durham, Duke University Press, 2002 ; Michale Scrivener, *The Cosmopolitan Ideal in the Age of Revolution and Reaction, 1776-1832*, New York, Routledge, 2007, et David Harvey, *El cosmopolitismo y las geografías de la libertad*. Madrid, Akal, 2017.

créature rationnelle de la terre » dont les « dispositions originaires concernant les usages de la raison » regardent non seulement « l'individu, mais aussi l'espèce »²². Une fois le problème de la liberté défini à partir de la constitution d'une société civile « qui gère le droit de manière universelle » et qui établisse des limites dans les rapports avec la nature²³, le philosophe poursuivait par ce qu'il considérait être les bases d'une nouvelle anthropologie, exposée dans la *Définition de la race humaine* (1786)²⁴. Chaque fois que l'être – l'homme blanc – et que les autres ontologies étaient définis, hiérarchisés et classés, Kant trouvait le moyen d'expliquer son projet de conformation d'un ordre civilisé, cosmopolite et blanc, en tant que seul être du droit de la liberté et de la propriété. Reprenant les postulats de Saint-Pierre, à travers la récupération et l'actualisation de son œuvre par Rousseau²⁵ Kant établit que la paix devait être conclue entre des états similaires, comparables en droit et liberté. Quant aux étrangers, le philosophe indiquait dans le troisième article de sa théorie de la paix perpétuelle (1795) que le droit cosmopolitique devait se restreindre « aux conditions de l'hospitalité universelle »²⁶. L'accueil renvoyait encore une fois à la théorie de la maisonnée et Kant validait la grâce de l'hôte – autrefois le père de famille – dans la société hégémonique,

²² Emmanuel Kant, *Filosofía de la Historia*, Buenos Aires, Nova, 1964, p. 41.

²³ *Ibid.*, p. 45-46.

²⁴ Emmanuel Kant, *Probable inicio de la historia humana. Definición de la raza humana*, dans *Filosofía de la Historia*, *op. cit.*, p. 68-87. Il existe une riche bibliographie sur l'idée de race et la nouvelle anthropologie kantienne ; voir Emmanuel Chkwudi Eze, « The Color of Reason : The Idea of "Race" in Kant's Anthropology », dans Emmanuel Chkwudi Eze (éd.), *Postcolonial African Philosophy. A Critical Reader*, Oxford/Cambridge, Blackwell Publishers, 1997, p. 103-131 ; Thomas E. Hill et Bernard Boxill, « Kant and Race », dans Bernard Boxill (éd.), *Race and Racism*, Oxford, Oxford University Press, 2000, p. 448-471 ; Natalia Lerussi, « La teoría kantiana de las razas y el origen de la epigénesis », *Studia Kantiana*, n. 15, 2013, p. 85-102 ; Patricio Lepe-Carrión, « Racismo filosófico : el concepto "raza" de Immanuel Kant », *Filosofía Unisinos*, v. 15, n. 1, 2014, p. 67-83 et Terry Eagleton, *Los extranjeros. Por una ética de la solidaridad*, Barcelone, Paidós, 2010, p. 189-236.

²⁵ Abbé de Saint-Pierre, *Projet pour rendre la paix perpétuelle en Europe*, Utrecht, 1713. Jean-Jacques Rousseau, *Jugement sur le projet de paix perpétuelle de l'abbé de Saint-Pierre* [1761], « Extrait du projet de paix perpétuelle », dans *Œuvres complètes*, tome III : *Écrits politiques*, Paris, Pléiade, 1964.

²⁶ Emmanuel Kant, *Hacia la Paz Perpetua. Un proyecto filosófico*, Buenos Aires, Prometeo-Universidad Nacional de Quilmes, 2007, p. 63.

refusant à l'étranger son droit et sa capacité à habiter là où il le souhaiterait :

El extranjero no puede reclamar el *derecho de hospedaje* (para lo que se requerirá de un contrato especialmente benéfico que lo hiciera un cohabitante de la casa por un periodo de tiempo determinado), sino un derecho de visita, un derecho a presentarse ante la sociedad, el que corresponde a todos los hombres en virtud del derecho de posesión común de la superficie de la Tierra, sobre la cual, en tanto que es esférica, los hombres no pueden dispersarse hasta el infinito, sino que tienen que tolerarse unos junto a otros, aunque originariamente nadie tiene más derecho que otro a estar en un lugar determinado de la Tierra [...] No obstante, el derecho de hospitalidad, es decir, la facultad de los extranjeros recién llegados, no se extiende más allá de las condiciones que hacen posible *intentar* un trato comercial con los habitantes del lugar. De esta manera, partes alejadas del mundo pueden entrar en relaciones mutuas de un modo pacífico. Por último, estas relaciones pueden volverse públicas y legales y, con ello, acercar por fin continuamente al género humano a una constitución cosmopolita.

Si se contrasta con esto último la conducta *inhospitalaria* de los Estados civilizados, principalmente la de los Estados comerciantes de nuestro continente, la injusticia que manifiestan en la *visita* a países y pueblos extranjeros (visita que consideran como si fuera una *conquista*) causa espanto. América, las tierras de los negros, las islas de las especias el Cabo, etc., eran para ellos, al momento de su descubrimiento, países que no pertenecían a nadie, habida cuenta de que los habitantes no contaban en absoluto²⁷.

Le droit, le commerce et l'expansion de la civilisation constituent les bases de la paix cosmopolitique définie par Kant, dans laquelle les étrangers auraient seulement des droits en tant que sujet commerçants. Ces derniers conservaient par conséquent une définition négative : ils restaient des individus à contenir et / ou à convertir. Kant, mais aussi une grande partie des penseurs du XVIII^e siècle, considérait ainsi que l'hospitalité, comme principe d'accueil dans son foyer de l'individu venant d'ailleurs, articulait les

²⁷ *Ibid.*, p. 64-65.

« droit » des étrangers²⁸. C'est-à-dire qu'on entretenait le principe de l'*oconomie* ou théorie du foyer, dans l'émergence du constitutionnalisme moderne²⁹. Ce que nous venons de dire nous aide à comprendre que les étrangers étaient souvent conçus – tout comme aujourd'hui – comme des ennemis, ces êtres étranges et pervers qui ne partageaient pas l'être hégémonique. Par conséquent, si les dictionnaires du XVIII^e siècle définissaient l'étranger comme la personne qui n'était pas naturelle d'un pays qui était d'une autre nation, qui était étrange, il fallait entendre dans « naturel » non seulement celui qui est propre aux pays mais aussi celui qui possède son essence³⁰. Devant cette conception négative des étrangers, qui pouvaient même être les sujets du monarque, seuls deux choix semblent possibles : leur contention, en général à travers des décrets d'expulsion, ou leur conversion. Ainsi la voie principale, dans la monarchie espagnole, pour l'inclusion des étrangers, celle que l'historiographie présente comme la méthode de pratique sociale définissant l'extranéité, est celle du voisinage, puisque celle-

²⁸ Pour une explication de l'organisation sociale d'une ville au XVIII^e siècle en Amérique à partir de la notion d'*oconomie* voir Romina Zamora, *Casa poblada y buen gobierno. Oeconomía católica y servicio personal en San Miguel de Tucumán, siglo XVIII*, Buenos Aires, Prometeo, 2017, p. 42-43 sur l'hébergement.

²⁹ Sur le cas hispanique voir Bartolomé Clavero, *Constitucionalismo colonial. Oeconomía de Europa, Constitución de Cádiz y más acá*, Madrid, Universidad Autónoma de Madrid, 2016, p. 55-59, 92-95. Voir aussi José M. Portillo Valdés, « Constitucionalismo antes de la Constitución. La Economía Política y los orígenes del constitucionalismo en España », *Nuevo Mundo Mundos Nuevos* [En ligne], Colloques, mis en ligne le 28 janvier 2007, consulté le 02 janvier 2018, URL : <http://journals.openedition.org/nuevomundo/4160> ; DOI : 10.4000/nuevomundo.4160.

³⁰ Le *Diccionario de Autoridades* (1732), définit « étranger » comme la « Cosa de fuera, de otra parte, no natural y propria del País o tierra donde uno es ». De son côté, le *Dictionnaire de l'Académie Française* (1694) le définit en ces termes : « Qui est lointain, d'une autre nation. *Costumes, Loix estrangeres. Langue estrangere. Plante estrangere. Climat estranger. Il a l'air estranger.* Il est quelquefois substantif. *Les estrangers sont bien receus en France* ». Suivant le *Dictionnaire de l'Académie Française*, « naturel » est l'« Estat de celui qui est né dans un pays. On appelle, *Droit de naturalité*, le droit dont jouissent les habitans d'un pays à l'exclusion des Estrangers, &c. *Lettres de naturalité*, les lettres par lesquelles le Prince accorde le droit de naturalité aux Estrangers. *Le droit de naturalité s'acquiert par les lettres du Prince. Obtenir des lettres de naturalité* ». De même, le *Diccionario de Autoridades* définissait la « nature », dans sa première acception, comme « La esencia y próprio ser de cada cosa », tandis que la huitième acception indiquait : « Se toma assimismo por el origen que alguno tiene en alguna Ciudad o Réino en que ha nacido ». Ce même dictionnaire définissait « naturel » comme celui qui « ha nacido en algún Pueblo o Reino ».

ci « identificaba a las personas como miembros de la comunidad y como personas civilizadas »³¹.

2. Étrangers, voisinage et « matière » d'Espagne

Devant une définition juridique qui résultait insuffisante, la pratique sociale devient l'élément déterminant dans une possible explication du sens de l'extranéité. Comme le signale Herzog, la condition d'étranger se définissait, en théorie, par rapport à une altérité hégémonique dans un espace politique donné. C'est autre est le naturel qui, dans le cadre la monarchie espagnole, toujours selon Herzog, était originaire des multiples territoires qui composaient le royaume d'Espagne³². Les principales difficultés pour définir cette idée apparaissent en raison de la conjoncture particulière des conflits sociaux ou politiques de la monarchie, problèmes que la question du voisinage pouvait résoudre. Le voisinage, selon Herzog, établit le lien entre l'individu et la communauté, tout en confortant la définition de l'étranger ou du naturel, en tant que voisin, suivant en cela la pratique sociale et non pas les définitions juridiques. Pour cette auteure, l'idée moderne de naturel repose sur la base du voisinage³³. Ces points lui permettent d'approfondir l'idée d'une intégration double et différente des

³¹ Tamar Herzog, *Vecinos y extranjeros. Hacerse español en la edad moderna*. Madrid, Alianza, 2006, p. 34. Voir aussi, Tamar Herzog, « La vecindad. Entre condición formal y negociación continua. Reflexiones en torno de las categorías sociales y las redes personales », *Anuario IEHS*, n. 15, 2000, p. 123-131 et « Vecindad y oficio en Castilla : la actividad económica y la exclusión política en el siglo XVIII », *Cuadernos Unimetanos*, n. 20, 2009, p. 12-13. On peut également consulter María Inés Carzolio, « En los orígenes de la ciudadanía en Castilla : La identidad política del vecino durante los siglos XVI y XVII », *Hispania*, n. 211, 2002, p. 637-691 et « Vecinos, comunidades de aldea y súbdito del reino. Identidad política en la periferia castellana. Siglos XVI-XVII », *Anales de Historia antigua, medieval y moderna*, n. 35-36, 2003, p. 269-292 ; Hugues Sánchez Mejía, « De arrochelados a vecinos : reformismo borbónico e integración política en las gobernaciones de Santa Marta y Cartagena, Nuevo Reino de Granada, 1740-1810 », *Revista de Indias*, 2015, p. 457-488 et Fabricio Gabriel Salvatto, « La representación política en la España peninsular entre el final de la dinastía Habsburgo y el comienzo de la era de Borbónica », *Trabajos y Comunicaciones*, n. 37, 2011, p. 221-248.

³² Tamar Herzog, « Naturales y extranjeros : sobre la construcción de categorías en el mundo hispánico », *Cuadernos de Historia Moderna*, n. 10, 2011, p. 21-31.

³³ Tamar Herzog, *Vecinos y extranjeros*, *op. cit.*, p. 15.

étrangers en fonction du groupe social auquel ils appartenait, et de discuter les exclusions de ceux qu'on appelait les « mauvais immigrants » par rapport à ceux supposé être les « bons immigrants ». Finalement, l'auteure avance que la bonne compréhension de la place des étrangers à l'époque moderne repose sur la mise en cause des formes des communautés anciennes et de leurs arguments « pour exclure ou inclure leurs contemporains »³⁴.

Ces procédés donnant accès à la naturalisation à travers l'idée de voisinage furent expliqués par Philippe V dans une résolution du 8 mars 1716, à la demande de la Junta de Dependencia des étrangers. Dans cette explication, Philippe V valide et systématise d'une certaine manière les dispositions juridiques qui, depuis Philippe II, avaient été adoptées suivant la complexification administrative et l'évolution du droit. Ainsi, le premier monarque Bourbon de la monarchie espagnole affirmait :

en primer lugar qualquier extrangero que obtiene el privilegio de naturaleza ; el que nace en estos Reynos ; el que en ellos se convierte a nuestra santa Fe católica ; el que viviendo sobre sí, establece su domicilio ; el que pide y obtiene vecindad en algún pueblo ; el que se casa con muger natural de estos Reynos y habita domiciliado en ellos ; y si es la muger extrangera, que casare con hombre natural, por el mismo hecho se hace el fuero y domicilio de su marido ; el que se arrayga comprando y adquiriendo bienes y posesiones ; el que siendo oficial viene a morar y exercer su oficio ; del mismo modo, el que mora y exerce oficios mecánicos, o tiene tienda en que venda por menor ; el que tiene oficios de Concejo públicos, honoríficos, o cargos cualquier género que sólo pueden usar los naturales ; el que goza de los pastos y comodidades que son propios de los vecinos ; el que mora diez años en casa poblada en estos Reynos ; y lo mismo en todos los demás casos en que conforme a Derecho común, Reales Ordenes y leyes adquiera naturaleza o vecindad el extrangero, y que según ellas, está obligado a las mismas cargas que los naturales, por la legal y fundamental razón de comunicar de sus utilidades ; siendo todos estos legítimamente naturales, y estando obligados a contribuir como ellos ; distinguiéndose los transeúntes en la exoneración de oficios concejiles, depositarías, receptorías, tutelas, curadorías,

³⁴ *Ibid.*, p. 20, 28, 31.

custodia de panes, viñas, montes, huéspedes, leva, milicias, y otras de igual calidad, y finalmente, que de la contribución de alcabalas y cientos nadie esté libre ; y que sólo los transeúntes lo estén de las demás cargas, pechos, y servicios personales, con que se distinguen unos de otros ; debiendo declararse por comprendidos todos aquellos en quienes concurra qualquiera de las circunstancias que quedan expresadas³⁵.

Cette attitude peut également être perçue clairement dans plusieurs cas de demande de naturalisation, notamment dans les royaumes castillans. Vers la fin de juillet 1715, le confesseur de Philippe V, le jésuite Daubenton, devait donner son avis à propos d'une affaire de grâce qui, en principe, devait être examinée par la Chambre de Castille, mais qui, dans certains cas, était traitée par l'exécutif : la concession de la naturalisation au prince de Maserano. Le problème reposait sur la distinction entre les conceptions de nature absolue et nature limitée. Ainsi, le 17 août 1715, Daubenton répondait à l'écrit de don Manuel Vadillo en affirmant qu'il trouvait le fils du prince digne de cette concession, avec une réserve : « no teniendo por camino seguro el de no estar puesta en practica la Ley de la residencia juzgo que se debe pedir su consentimiento a las Ciudades para conceder esta Naturaleza sin limitacion, por que es Contrato riguroso, a que no se puede faltar con el pretexto de no estar puesto en practica su cumplimiento »³⁶. On observe alors que le confesseur du roi reconnaissait le pouvoir royal dans l'octroi de ces naturalisations, mais qu'il le limitait à un cadre d'action normative : c'est au roi qu'il revenait en dernier, après approbation des las Cortes, d'approuver les naturalisations.

Devant cette situation, Vadillo y Velasco renvoyait encore la question à Daubenton, puisque « para el goze de la Pension que le esta concedida, no le puede obstar la clausula lo que se pone en el despacho como no le ha obstado a ninguno de los que las gozan estando ausentes, y que el Rey halla reparo en que se vuelva a pedir a las Ciudades de voto en Cortes su consentimiento para la naturaleza absoluta, pues a este exemplar, pedirian lo mismo (y con razon) los que la tiene limitada como este »³⁷. Presqu'un mois plus

³⁵ *Nov. Rec.*, Libro VI, Título XI, Ley III : « Circunstancias que deben concurrir en los extrangeros para considerarse vecinos de estos Reynos ».

³⁶ Archivo General de Simancas (AGS, en adelante), Gracia y Justicia, leg. 276.

³⁷ *Ibid.*, fechado en Buen Retiro, 18 de agosto de 1715.

tard, Daubenton répondait que, selon lui, « la clausula limitatiba de que aya de residir en estos Reinos para gozar la pension, le obsta a don Fernando Caracholo (y a otro qualquiera) para poderla gozar residiendo en Roma ; y assi ser necesario pedir expresso consentimiento a las Ciudades para exonerarle de esta clausula restringente, o si no se executa assi será preciso que resida en España para gozar la pension »³⁸.

La Chambre de Castille faisait clairement état des mêmes conflits, tout comme de l'attitude des Cortes dans l'approbation et dans la validation des naturalisations. Le 31 août 1705, la Chambre de Castille répondait à une consultation du roi à propos de la demande de naturalisation absolue présentée par le capitaine don Antonio de Santo Domingo, né en France même si de parents originaires de Burgos, qui espérait ainsi « gozar en estos Reynos y en los de la Yndias de todo lo que gozan los naturales españoles seglares como se concedió a Don Esteuan Roullier hijo de el Ama que crio a V.Mgd ». La Chambre de Castille refusait cette demande, en arguant du fait que c'était les Cortes qui devaient, en dernier recours, accorder la grâce de la naturalisation dans les royaumes castillans³⁹, en raison du « perjuicio que de ellos se sigue a los naturales españoles quando V.Mgd. se a dignado conferirla »⁴⁰.

Comme on peut le voir, les obligations pour obtenir la naturalisation, tout comme l'installation dans le voisinage, n'étaient pas simples et ne répondaient pas à des normes claires et transposables : chaque cas était singulier et habilitait donc différentes réponses de la part des autorités⁴¹. Cette situation,

³⁸ *Ibid.*, fechado en el Noviciado de los jesuitas, 28 de septiembre de 1715.

³⁹ AHN, Consejos, leg. 4474, exp. 99.

⁴⁰ AHN, Consejos, leg. 4476, exp. 10 : 31 de marzo de 1710.

⁴¹ Cette situation apparaît dans les dossiers de demande de naturalisation conservées à l'AHN, section Consejos, dont on ne donne ici que quelques exemples. Pour une analyse de cette situation, voir María Inés Carzolio, « La naturaleza, de la Monarquía de los Habsburgo hasta la de los Borbones. Un estado de la cuestión », dans *XI Jornadas Interescuelas/Departamentos de Historia*, San Miguel de Tucumán, Departamento de Historia, Facultad de Filosofía y Letras, Universidad de Tucumán, 2007, <https://www.aacademica.org/000-108/609> (consulté le 16 avril 2017) ; Fabricio Gabriel Salvatto y María Inés Carzolio, « Naturaleza y ciudadanía en la España Moderna. De la representación del súbdito a los albores de la ciudadanía contemporánea (siglos XVII-XVIII) »,

cependant, ne s'appliquait pas seulement aux étrangers, mais répondait au fonctionnement de l'univers juridique et normatif de la monarchie espagnole du XVIII^e siècle. Il ne faut oublier, comme l'a rappelé Costa, que la naturalisation entraînait une forme de seconde naissance, dans le sens de l'acceptation d'une nouvelle identité et dans l'obligation de partager les normes et les valeurs de la nouvelle communauté de référence, ou si l'on veut, de la communauté hégémonique⁴². De cette manière, la nouvelle citoyenneté impliquait – comme l'affirmait la Constitution de 1812 déjà mentionnée – la coexistence avec le régime du voisinage comme élément constitutif de l'être, y compris du sujet politique. Le débat atlantique sur l'individu (et sur les sujets), la nation, la patrie, la citoyenneté, l'état (et ses différentes formes), le droit (et les droits), la liberté (et les libertés), la constitution et le constitutionalisme annoncent, dans le cas de la monarchie d'Espagne, des temps nouveaux, soumis à de nouveaux critères d'analyse qui trouvaient leurs racines dans les traditions et les soubassements mêmes de la monarchie, y compris dans le cadre d'un débat littéraire⁴³.

Almanack, n. 11, 2015, p. 688-706 y Fabricio Gabriel Salvatto y Guillermo Banzato, « Naturales, vecinos y extranjeros en el ejercicio de cargos públicos y oficios. Buenos Aires (ciudad y campaña), 1812-1815 », *Revista de Indias*, n. 269, 2017, p. 169-195.

⁴² Pietro Costa, *Civitas. Storia della cittadinanza in Europa. 1. Della civiltà comunale al settecento*, Bari, Laterza, 1999.

⁴³ Sur la dimension atlantique (hispanique), voir José María Portillo Valdés, *Crisis atlántica. Autonomía e independencia en la crisis de la Monarquía Hispánica*, Madrid, Marcial Pons, 2006. Sur la question constitutionnelle, voir l'indispensable Bartolomé Clavero, *Constitucionalismo colonial. Economía de Europa, Constitución de Cádiz y más acá*, Madrid, Universidad Autónoma de Madrid, 2016. Sur Cadix, voir, parmi de nombreuses références, Roberto Breña (éd.), *Cádiz a debate : actualidad, contexto y legado*, Mexico, Colegio de México, 2014 et Carlos Garriga, « Cabeza moderna, cuerpo gótico. La Constitución de Cádiz y el orden jurídico », *Anuario de Historia del Derecho Español*, n. LXXXI, 2001, p. 99-162. Sur la conformation de la citoyenneté en Amérique, Hilda Sabato (dir.), *Ciudadanía política y formación de las naciones. Perspectivas históricas de América Latina*, Mexico, FCE, 1999. Sur la littérature comme moyen d'approche, voire de dépassement, du débat, voir Julio A. Pardos Martínez, « Epifanías de la opinión : condición de ciudadanía en Monarquía de España, aleñaños de 1770 », *Espacio, Tiempo y Forma*, n. 26, 2013, p. 45-76.

C'est dans ce contexte qu'émerge le débat au sujet de la « matière » d'Espagne⁴⁴, née dans la Péninsule Ibérique dans les dernières décennies du XVIII^e siècle. Cette littérature, cependant, ne manifeste pas de préoccupation particulière au sujet de l'extranéité, même si la question était intrinsèquement présente dans le débat. Tout d'abord, il faut rappeler que cette polémique fut déclenchée par une critique « étrangère » : l'article « Espagne » que l'auteur français Masson de Morvilliers écrit pour l'*Encyclopédie méthodique* (1782)⁴⁵. C'est Juan Pablo Fornés qui se chargea de la réponse dans laquelle il précise qu'il écrit d'abord pour les étrangers, « no para nosotros » – les espagnols donc – ceux qui accusent et qui même « dénigrent » l'Espagne⁴⁶. L'argumentation de Forner reposait sur la défense de la morale et de la religion et aboutit à une forme d'identification – pour l'histoire de l'Espagne – entre chrétiens et espagnols. Ceci impliquait, par exemple, la critique de l'usage erroné, à son sens, que les étrangers faisaient des défauts du « savoir arabe », comme un savoir contraire à ces principes⁴⁷. Dans ce sens, pour Forner, l'étranger était celui qui critiquait ou insultait l'Espagne⁴⁸. Les « autres », ce qui se trouvaient « dehors », mettaient en cause le « nous » espagnol, c'est-à-dire la littérature, la science espagnoles, marquées par la religion. Ce n'était pas la première fois que la monarchie espagnole était critiquée depuis l'étranger, à travers sa culture, comme le montrent les guerres et les querelles littéraires qui traversent le XVII^e siècle. La nouveauté réside, cependant, dans la réponse espagnole elle-même, qui révélait que la critique épistémique

⁴⁴ J'emprunte le syntagme « "materia" de España » à l'œuvre éponyme de Pablo Fernández Albaladejo, *Materia de España. Cultura política e identidad en la España moderna*. Madrid, Marcial Pons, 2007.

⁴⁵ Quelques années plus tôt, José Cadalso avait écrit une défense de la nation espagnole contre ce qu'il considérait un affront de Montesquieu, qui n'était jamais allé en Espagne, et que l'on trouve dans *Les Lettres persanes*, éd. G. Mercadier, Toulouse, Université de Toulouse, 1970, lettre LXVIII.

⁴⁶ Juan Pablo Forner, *Oración apologética por la España y su mérito literario*, Madrid, Imprenta Real, 1786.

⁴⁷ *Ibid.*, p. 62-63. Forner affirme même, p. 83, que la morale et la religion doivent être entendues comme les sciences qui perfectionnent l'homme. Sur Forner, voir l'œuvre de référence, François López, *Juan Pablo Forner y la crisis de la conciencia española en el siglo XVIII*, Valladolid, Junta de Castilla y León, 1999.

⁴⁸ Hartog exprime cela en ces termes : « El extranjero resulta un hombre inquietante para el nativo del territorio [...] Siempre es el que viene de fuera el que trae esa inquietante extrañeza », dans François Hartog, « La inquietante extrañeza de la historia », *Historia y Grafía*, n. 37, 2011, p. 182.

préfigurait déjà une critique ontologique. La réponse ne pouvait donc pas être encore une défense ou une attaque depuis la littérature, mais une défense de l'être et du savoir espagnol dans leur unité.

Cette défense identitaire de l'Espagne avait déjà été lancée en 1784, à Paris, par l'abbé Cavanilles. Dans son écrit, celui-ci indiquait que « l'amour-propre et l'honneur » étaient les vecteurs qui le poussaient à proposer cette défense contre la calomnie⁴⁹. A partir de cette prémisse, il invitait à interroger les « voyageurs impartiaux » qui auraient visité l'Espagne, convaincu que l'Europe « apprendra d'eux tout ce que la magnificence éclairée de notre souverain, son amour pour les arts, l'ont porté à faire pour leur encouragement. Ils vous diront que les principaux de la nation imitent leur roi par les efforts pour faciliter les moyens d'arriver en tout genre à la perfection »⁵⁰. Cavanilles offre ici une deuxième image des étrangers qui s'enracine dans la logique du voyageur cosmopolite du XVIII^e siècle : l'observateur impartial de la réalité, l'homme cultivé qui peut décrire la « réalité ». Cadalso lui-même, dans sa défense contre Montesquieu, avait déjà souligné la nécessité d'une réponse urgente aux attaques contre l'Espagne, à cause de l'influence que ces critiques pouvaient avoir sur la population inculte, aussi bien espagnole qu'étrangère. Dans une Europe qui parlait français⁵¹, l'Europe des expéditions scientifiques, c'était le voyageur, l'homme cultivé venu d'ailleurs, qui devait témoigner de la « réalité » de l'Espagne, la vérité que Masson de Morvilliers – parmi d'autres – avait tergiversé aux yeux des Espagnols de l'époque.

Troisièmement, l'étranger était considéré comme synonyme de la non défense des soi-disant intérêts espagnols, parfois identifiés comme des intérêts nationaux – et rattachés au passé. Francisco Martínez Marina, dans son *Discours sur l'origine de la Monarchie* (1813), exposait ainsi les préjugés qu'avait

⁴⁹ Antonio José de Cavanilles, *Observations de M. l'Abbé Cavanilles sur l'article Espagne de la Nouvelle Encyclopédie*, Paris, Chez Alex Jombert jeune, 1784, p. 6.

⁵⁰ *Ibid.*, p. 25.

⁵¹ Idée empruntée à Marc Fumaroli, *Cuando Europa hablaba francés. Extranjeros francófilos en el Siglo de las Luces*, Barcelone, Acantilado, 2015.

représentés pour la monarchie espagnole l'instauration d'une dynastie étrangère, les Habsbourg :

Si los Príncipes de la dinastía austríaca que extinguida la casa de Castilla fueron llamados por la ley de sucesión a ocupar el solio de España, hubieran imitado la conducta de los Reyes Católico, seguido sus pasos, corregido los defectos de su gobierno ; introducido las convenientes reformas y dado muestras de amor á la nacion, de respeto á la constitución, á las leyes, ¿quál sería la situación política de la monarquía, su influxo, su crédito y reputacion en todos los estados y sociedades de Europa? Mas aquellos Príncipes extrangeros desde luego que vinieron á España desentendiéndose de las obligaciones mas sagradas, sin miramiento á las costumbres, á la constitución ni á las leyes del pais, solo trataron de disfrutar este patrimonio, de esquilmar esta heredad, de disipar sus riquezas, de prodigar los bienes y la sangre de los ciudadanos en guerras destructoras que nada importaban a la nacion ni por sus motivos ni por sus conseqüencias [...]⁵²

Dans ce moment, traditionnellement considéré comme celui des origines du constitutionalisme espagnol, une période placée entre tradition et libéralisme⁵³, Martínez Marina entendait les étrangers comme les sujets qui, pour le moins, ne s'inquiétaient ni de l'intérêt ni du bien d'Espagne et qui poursuivaient leur propre intérêt au détriment de la monarchie. Cette image négative de l'étranger n'était certainement pas exclusive à Martínez Marina ; elle n'est pas non plus originale, mais elle nous permet de comprendre les trois images qu'offraient des étrangers, à la fin du XVIII^e siècle, les auteurs espagnols qui cherchaient à défendre et à expliquer l'Espagne.

⁵² Francisco Martínez Marina, *Discurso sobre le origen de la monarquía y sobre la naturaleza del gobierno español*, éd. et introduction de José Antonio Maravall, Madrid, CEC, 1988, p. 136-137, § 90.

⁵³ C'est Maravall qui place Martínez Marina dans cette conceptualisation, dans l'étude introductive de l'œuvre citée plus haut. Sur Martínez Marina et le constitutionalisme espagnol, voir, parmi d'autres, Marta Lorente Sariñena, « Cultura constitucional e historiografía del constitucionalismo español », *Istor*, n. 16, 2004. Pour une interprétation de Martínez Marina dans le contexte du discours politique de la fin du XVIII^e siècle et du début du XIX^e, voir, Pablo Fernández Albaladejo, « El cristianismo cívico de Francisco Martínez Marina », dans *Materia de España*, Madrid, Marcial Pons, 2007, p. 323-350.

Ces trois conceptions traversent de manière constante tout le XVIII^e siècle. Bernardo Ward les résume en un sens lorsqu'il explique son projet économique pour la monarchie espagnole (écrit en 1762 mais publié à titre posthume en 1779), et la place importante que les étrangers pouvaient y occuper. D'après Ward, d'origine irlandaise, le problème ne repose pas tant dans la condition d'étranger mais dans leur utilité⁵⁴. L'introduction d'étrangers dans les colonies américaines pouvait même être justifiée, dans la mesure où ceux-ci respecteraient l'Espagne et sa culture⁵⁵ : Ward essayait ainsi d'éviter l'appauvrissement (« sangrado ») aussi bien de l'Amérique que de la monarchie, exposé dans la production novohispana de cette période, et de protéger les intérêts de la monarchie sur ceux des étrangers. De cette manière, des hommes cultivés et utiles, qui respecteraient l'Espagne et ses intérêts pouvaient, grâce au commerce, interagir avec le corps monarchique (ce qui constitue une manière de mettre en cause deux des points dénoncés par les penseurs espagnols sur la condition d'étranger). Voltaire avait déjà défendu, dans la dixième *Lettre philosophique* (1734)⁵⁶, l'importance du commerce comme instrument de la « civilisation », comme moyen d'enrichissement, de culture et de bonheur public. Ward synthétisait cette vision du commerce à travers l'idée de l'homme cultivé et utile, c'est-à-dire le voyageur, le voyageur scientifique, le mathématicien, le naturaliste : des individus de ce type pouvaient contribuer au rayonnement de la monarchie, pourvu qu'ils la considèrent comme la leur et qu'ils travaillent dans l'intérêt de celle-ci.

⁵⁴ Bernardo Ward, *Proyecto Económico, en que se proponen varias providencias dirigidas á promover los intereses de España con los medios y fondos necesarios para su planificación*, Madrid, Joachin Ibarra, 1779, p. 62, 65.

⁵⁵ *Ibid.*, p. 313.

⁵⁶ A propos de ceci, voir Eric Auerbach, *Mimesis. La representación de la realidad en la literatura occidental*, Mexico, FCE, 2011 et Carlo Ginzburg, *El Hilo y las buellas. Lo verdadero, lo falso y lo ficticio*, Buenos Aires, FCE, 2010. Le chevalier du Jaucourt défendait lui aussi l'importance du commerce dans la relation avec l'étranger, dans son article « Étranger (droit politique) », dans Denis Diderot et Jean D'Alembert (dirs.), *Encyclopédie, op. cit.*, v. VI, p. 71. Sur la vision catholique (hispanique) de la société commerciale à travers l'idée d'amour-propre, voir Julen Viejo et José María Portillo Valdés, « Un buen amor propio : Aceptación católica de una sociedad comercial en la monarquía hispana del siglo XVIII », *Espacio, Tiempo y Forma*, n. 26, 2013, p. 127-143.

À la fin du XVIII^e siècle et au début du XIX^e, quelques sujets particuliers illustrent cette situation, tels que José Sourrière de Souvillac⁵⁷. Dans ce cas, on peut constater qu'un sujet engagé – en raison de ses compétences de mathématicien, autrement dit sa culture et son utilité – pour établir les frontières, lever des cartes⁵⁸, installé en Espagne et marié à une Espagnole⁵⁹, dut tout de même contribuer avec un don destiné à compenser sa condition de français, notamment après les troubles révolutionnaires, afin d'éviter de possibles expulsions justifiées par la monarchie par le risque de contagion⁶⁰. Ce court exemple montre la fragilité de la condition d'étranger, même après installation, tout en annonçant l'image négative de l'étranger en tant qu'individu capable de pervertir, par sa seule présence, l'essence, l'identité et la constitution, de la monarchie espagnole. Bref, les craintes exposées par les auteurs espagnols – que ce soit Forner, Cavanilles, Martínez Marina ou Ward lui-même – avaient un rapport avec la pratique politique de leur temps, autrement dit, ces pratiques s'étaient imposées comme un régime hispanique de vérité sur l'autre, l'étranger.

3. Les qualités des « autres » : une conception à partir des recensements

La Constitution de Cadix établissait que la citoyenneté espagnole était attribuée à tous les sujets politiques du territoire, y compris l'Amérique. Nonobstant, au moment où il fallait établir une prépondérance matérielle de ces territoires, les théoriciens

⁵⁷ Originaire de Marseille, Sourrière de Souvillac serait arrivé dans la région du Río de la Plata vers 1773, peut-être avant. Sur ce personnage, voir Martín Gentinetta, « Sourrière de Souvillac, un matemático ilustrado en el Río de la Plata. Su trayectoria y aportes a la monarquía borbónica a fines del siglo XVIII », *Annuario Escuela de Historia*, n. 25, 2013, p. 174-197.

⁵⁸ AGN, Sala IX, 08-07-02 (Tomas de Razón), ff. 45r-47r, efectuada entre octubre y diciembre de 1781.

⁵⁹ Marié à doña María Bouza y San Jurjo, tel qu'il apparaît dans AGN, Sala IX, 08-07-02 (Tomas de Razón), ff. 141r-142r (juilio de 1787) y de AGN, Sala IX, 30-03-07. División Colonia, Sección gobierno. Interior, legajo 22, exp. 31, fechado el 29 de mayo de 1786. Sa condition de voisin de Buenos Aires apparaît dans le même document, ainsi que dans AGN, Sala IX, 42-06-02. División Colonia, Sección Gobierno. Tribunales S7, exp. 16, año 1783

⁶⁰ AGN, Sala IX, 08-07-12 (Tomas de Razón), ff. 149r-153r, fechado en Buenos Aires el 10 de enero de 1794.

n'hésitaient pas à présenter l'Amérique comme des colonies de l'Espagne⁶¹. La classification et la hiérarchisation des territoires propres à la modernité, trouvait alors dans la formulation de l'exploitation coloniale une nuance nouvelle, et bien plus encore lorsque le constitutionalisme offrait aux individus politiques de ces territoires les mêmes droits. Qui étaient donc ces sujets ? Comment s'exprime cette différenciation au XVIII^e siècle ?

Comme nous l'avons déjà dit, Kant avait systématisé une nouvelle conformation des ontologies et, avec cela, une classification hiérarchique de celles-ci, ainsi que des territoires. Cette systématisation peut être perçue comme un but à atteindre, c'est-à-dire la conformation d'un régime de vérité européen, dont l'Espagne faisait partie⁶². Ainsi, la différenciation ontologique fut une constante dans la deuxième moitié du XVIII^e siècle hispanique. Les politiques répressives et, parfois, d'anéantissement, de la population gitane dans les territoires de la péninsule en sont une illustration⁶³. Ward lui-même proposait une solution non violente pour ce qu'il considérait comme le problème gitan : envoyer ces populations vers les « rives de l'Orinoco, dans les terres loin de la mer », pour les « consacrer à la pêche » et combattre ainsi les « maux » gitans : « qui n'ont pas de demeure fixe, ni aucune industrie »⁶⁴. Cette conception du gitan comme une altérité à contenir – puisqu'il était généralement considéré comme impossible à convertir à l'être, à l'être civilisé – trouve dans les ordonnances que Calors III promulgue en 1783 un nouveau cadre d'action répressive⁶⁵.

⁶¹ Ce fait peut être suivi dans des œuvres telles que celles de Bernardo Ward.

⁶² Pour une présentation des Lumières espagnoles dans le contexte des Lumières européennes, voir Jesús Astirraga (éd.), *The Spanish Enlightenment Revisited*, Oxford, Voltaire Foundation, 2015.

⁶³ Voir, David Martín Sánchez, *Historia del pueblo gitano en España*, Madrid, Libros de la Catarata, 2018 ; Tamar Herzog, « Beyond Race. Exclusion in Early Modern Spain and Spanish America », dans *Race and Blood in the Iberian World*, Berlin, Lit Verlag, 2012, p. 156-157 et José Luis Gómez Urdáñez, *El marqués de la Ensenada. El secretario de todo*, Madrid, Punto de Vista Editores, 2017, chapitre 7.

⁶⁴ Bernardo Ward, *Proyecto Económico, en que se proponen varias providencias dirigidas á promover los intereses de España con los medios y fondos necesarios para su planificación*, Madrid, Joachin Ibarra, 1779, p. 306-307.

⁶⁵ Voir AGS, Gracia y Justicia, leg. 1004.

La réalité ontologique de la monarchie espagnole était diverse et les gouvernants qui la composaient en étaient conscients. La hiérarchisation de ces différentes ontologies en est la conséquence. Les histoires de l'Amérique – le Nouveau Monde, aux yeux des Espagnols de l'époque – écrites à la fin du XVIII^e siècle en sont également le témoignage. Juan Bautista Muñoz, dans son *Historia del Nuevo Mundo* (1793), définit dans ces termes la conformation ontologique et raciale de l'Amérique :

Ha presentado el Nuevo-mundo en las diferentes razas de sus moradores otras tantas gradas para formar una larga escala, cuyos extremos sean los blancos y negros del antiguo. Otra escala podria disponer aun mas vária y dilatada de los diversos grados de barbarie en que se hallaron todos, desde la línea que separa al hombre salvage de las bestias, hasta la mayor semejanza de una república ordenada. La razon abatida, obscurecida la ley natural, apoderada en todo la idolatría mas grosera, dominante la ferocidad, muy extendidos los vicios mas contrarios á la naturaleza humana, las letras y las ciencias ignoradas de todo punto, ignoradas un sinnúmero de artes, algunas en su cuna, pasando de unos en otros por imitación material, ninguna sabida ni adelantada por principios⁶⁶.

Devant cette difficulté, résultat de sa condition et de sa qualité naturelle, la solution proposée par Muñoz était très simple : acquérir la « véritable civilité »⁶⁷ ; c'est-à-dire, appréhender les coutumes, la langue, les lois, la culture, la religion, les arts, les lettres espagnoles, pour s'approcher ainsi de l'être reconnu comme tel. On voit donc qu'aussi bien en Amérique qu'en Espagne, le problème de la population apparaissait comme une question exigeant des actions. L'une des solutions recherchées, donc – qui en plus pouvait avoir une base fiscale et contributive – c'était les recensements : un instrument qui permettait d'obtenir un portrait de la population qu'il fallait gouverner. Le recensement était une liste élaborée à partir des personnes et, en général, les propriétés de ces personnes, et qui incluait également parfois les métiers qu'elles exerçaient. Dans le contexte de l'Ancien Régime, cette liste

⁶⁶ Juan Bautista Muñoz, *Historia del Nuevo Mundo*, Madrid, Viuda de Ibarra, 1793, tome I, p. 10-11.

⁶⁷ *Ibid.*, p. 11-12.

entraînait une hiérarchisation des personnes recensées⁶⁸. Cette classification de la population était généralement réalisée en suivant la théorie de la maisonnée : on distribuait les populations urbaines par « cuadrillas », et on envoyait des censeurs dans les différentes maisons, pour recueillir les informations, en commençant par les pères de famille et en passant ensuite à tous ceux qui dépendaient de ceux-ci. Les recensements permettaient d'obtenir une riche information du point de vue démographique et économique, mais ils permettaient également d'approfondir les investigations sur la conformation des typologies des personnes⁶⁹. Conçus comme des listes (hiérarchisées), ces recensements étaient réalisés à partir d'un questionnaire qui reconnaissait les différentes qualités sociales à identifier. Ainsi, surtout dans le cas américain, les recensements offrent de nombreuses informations sur la division ontologique de la société coloniale à la fin du XVIII^e siècle.

Dans le territoire péninsulaire de la monarchie espagnole, on mena, depuis le début du XVIII^e siècle, de nombreux recensements plus ou moins réussis⁷⁰. Comme le signale le recensement de Floridablanca, on cherchait essentiellement à « répéter le dénombrement de gens qu'on avait fait en l'année 1768 [recensement du comte d'Aranda] pour connaître l'état de [la]

⁶⁸ Au sujet de l'importance de ces listes, voir le dossier coordonné par Gregorio Salinero et Christine Lebeau, « Pour faire une histoire des listes à l'époque moderne », *Mélanges de la Casa de Velázquez*, v. 44, n. 2, 2014.

⁶⁹ Sur la capacité performative des recensements, voir Luis Fernando Angosto Fernández et Sabine Kradolfer (éds.), *Everlasting Countdowns : Race, Ethnicity and National Censuses in Latin American States*, Newcastle upon Tyne, Cambridge Scholars Publishing, 2012. Voir aussi l'analyse de Romina Zamora, *Casa Poblada y buen gobierno. Oeconómica católica y servicio personal en San Miguel de Tucumán, siglo XVIII*. Buenos Aires, Prometeo, 2017, p. 155-158 et Alejandra Araya Espinoza, « Registrar la plebe o el color de las castas : "calidad", "clase" y "casta" en la matrícula de Alday (Chile, siglo XVIII) », dans Alejandra Araya et Jaime Valenzuela (éds.), *Denominaciones, clasificaciones e identidades en América colonial*, Santiago, Fondo de Publicaciones Americanistas Universidad de Chile/Pontificia Universidad Católica de Chile, 2010, p. 331-361, et « Imaginario político colonial : las castas, una relectura para los registros parroquiales, matrículas y padrones de « Chile » (1680-1835) », *El taller de la historia*, n. 7, 2015, p. 7-40.

⁷⁰ Le premier de ces recensements fut réalisé à Madrid par Campoflorido en 1712, suivi du recensement et cadastre d'Ensenada, celui de Aranda, en 1768, celui de Floridablanca en 1787 et finalement, celui de Godoy de 1797.

population »⁷¹. La connaissance et le contrôle de la population apparaissent donc comme le but ultime, et en même temps comme la justification du recensement. Malgré cela, la conformation des catégories de ce recensement – ainsi que de tous ceux qu'on entreprit sur le sol péninsulaire – était assez simple : des hommes, des femmes, célibataires ou mariés, des ecclésiastiques et autres populations qui par un privilège spécial, grâce royale ou naissance, étaient exemptés de payer l'impôt.

Cependant, la réalité sociale américaine, obligeait à une catégorisation différente, comme le montre le cas de Buenos Aires au cours du XVIII^e siècle. On y mit en place un recensement dans les années 1770, qui intervint après la réalisation d'un premier en 1726 comme conséquence de la fondation de Montevideo et de la nécessité d'envoyer des habitants à la nouvelle ville⁷². Ce recensement intervient en 1772, et devait prendre en compte les catégories suivantes : 1. Nation ; 2. État ; 3. Métier ; 4. Âge⁷³. La première des catégories, « Nation », désignait le lieu ou la commune de naissance, c'est-à-dire, la patrie au sens du XVIII^e siècle (ville ou royaume de naissance), mais aussi, dans le cas des populations indigènes, le nom des villages. La deuxième catégorie, « État », désignait ce que nous appelons aujourd'hui l'état civil : célibataire, marié, veuf. La troisième catégorie renvoie à la profession des individus. On voit bien donc que la principale classification de ces recensements reposait sur le lieu de naissance ; c'est lui qui accordait les principales qualités : castillan, catalan, aragonais, montagnard, napolitain, français, portugais etc., mais aussi mulâtre ou esclave. Dans certains quartiers de Buenos Aires, les réponses aux catégories du recensement, ou plutôt la manière par laquelle le maire du quartier répondait à celui-ci, apparaissent comme très significatives de ce qu'allaient devenir les recensements et les classifications de l'altérité à partir de ce moment. Pour ce maire, les nations s'articulaient dans des termes

⁷¹ *Censo español executado de orden del Rey comunicada por el excelentísimo señor conde de Floridablanca*, Madrid, Imprenta Real, 1787, s.f. (à la première page de la « Advertencia »).

⁷² AGN, Sala IX, 09-07-05. División Colonia. Sección Gobierno. Padrón de habitantes de la Ciudad y Campaña de Buenos Aires (1726-1773).

⁷³ AGN, Sala IX, 45-03-03. División Colonia. Sección Gobierno. Padrón de habitantes de Barrio de Buenos Aires.

tels que « espagnols européens », « espagnols créoles », mais aussi « espagnols portugais »⁷⁴.

Les « espagnols européens » et les « espagnols créoles » désignaient sans doute les individus politiques, pères de famille, qui avaient des privilèges mais dont certains étaient nés dans les territoires européens de la monarchie, alors que les seconds étaient nés dans les territoires américains. Si tel était le cas, comment expliquer la notion d'« espagnols portugais » ? La réponse apparaît quand on analyse les recensements postérieurs. Nous pouvons examiner par exemple les instructions données pour la réalisation d'un recensement à la fin des années 1770, et qui changeait la catégorie de « Nation » pour celle d'« Espagnol ». De sorte qu'on demandait de compter d'abord les espagnols, classés selon leur nom, sexe, état civil et âge, y compris les étrangers, dont on distinguait ceux qui « no tubiere[n] su Muger en la Jurisdicción, pues todo el que la tubiere ; aunque sea uno y otro forastero, deben reputar por Vecinos ». On incluait ensuite les indiens, les métis, les mulâtres et finalement les noirs, présentés généralement comme des esclaves⁷⁵.

Le remplacement de la « Nation » par « Espagnol » serait maintenu dans les recensements postérieurs, comme le montre celui de 1794. Dans ce dernier, on retrouve les catégories : Espagnols, esclaves (noirs et mulâtres), noires et mulâtres libres, indiens et métis. On trouve donc dans ce recensement, outre les Espagnols européens ou portugais, des Espagnols italiens ou français, comme c'était le cas – parmi d'autres – de « don Fernando Arizaga espagnol célibataire naturel de France », ou de « don Luis Coben espagnol naturel de France »⁷⁶. On constate donc que la catégorie « Espagnol » avait remplacé celle de « Nation », et que le lieu de naissance n'était plus l'axe qui articulait la classification, mais plutôt la couleur de la peau : « espagnol » désignait les individus blancs, par rapport aux autres

⁷⁴ AGN, Sala IX, 45-03-05. División Colonia. Sección Gobierno. Padrón de habitantes de Barrio de Buenos Aires.

⁷⁵ AGN, Sala IX, 09-07-05. División Colonia. Sección Gobierno. Padrón de la ciudad y campaña de Buenos Aires (1778-1779), ordonnance signée le 23 novembre 1779.

⁷⁶ AGN, Sala IX, 09-07-04. División Colonia. Sección Gobierno. Padrón de Habitantes. Barrio 8.

catégories – noirs, mulâtre, métis, indien⁷⁷. Dans ce contexte les expressions « Espagnol français » ou « Espagnol portugais » prenaient un autre sens, et même un sens différent de celui d'« Espagnol Européen », puisqu'on introduisait aussi celle d'« Espagnol américain » : il s'agissait de l'homme blanc, né dans les territoires européens de la monarchie et de ceux qui étaient nés sur les territoires américains. Par conséquent, la catégorie « Espagnol » était devenue une condition raciale (et juridique) qui informait et délimitait les ontologies dans le Buenos Aires de la fin du XVIII^e siècle.

Cette différenciation par la couleur de la peau, et non pas par le lieu de naissance, explique aussi que, dans la rédaction de la méthodologie sur la manière de préparer le recensement de 1779, les étrangers étaient comptés dans la catégorie « Espagnols », puisque ceux-ci étaient originaires, on l'a vu, d'autres pays européens – ou parfois même des États-Unis – et qu'ils étaient tous blancs. Cette conception des recensements est à mettre en relation avec celle utilisée dans la ville de Mexico à la fin du XVIII^e siècle. L'Ordonnance royale du 9 juillet 1777 demandait de réaliser le recensement de la population, à partir des catégories suivantes : Espagnols, indiens, métis, castillans, noirs, mulâtres et autres castes⁷⁸. En décembre de la même année, les qualités à partir desquelles on devait catégoriser et hiérarchiser la société étaient réduite à quatre étiquettes : 1. Nobles ; 2. Espagnols ; 3. Mulâtre libre ; 4. Noir esclave. Ces catégories laissent de côté toute la population indigène et les castes qui étaient contrôlées dans l'ordonnance antérieure⁷⁹. Cette hiérarchisation traduit la forte

⁷⁷ Lyman Johnson souligne ce fait dans *Los talleres de la revolución. La Buenos Aires plebeya y el mundo del Atlántico, 1776-1810*, Buenos Aires, Prometeo, 2013, p. 135. La catégorie « espagnol européen » était toujours utilisée pendant la période dite nationale ou indépendante, comme on peut le voir dans le document AGN, Sala X, 07-01-06 ; Sala X, 07-02-01 ou Sala X, 09-06-06, parmi d'autres. Mariana A. Pérez signale cette catégorie et l'utilise pour identifier les Espagnols dans le contexte confus de la période 1810-1816, dans « Un grupo caído en desgracia. Los españoles europeos de Buenos Aires y la Revolución de Mayo », *Entrepasados, Revista de Historia*, n. 35, 2009, p. 109-127, et « ¡Viva España y Mueran los Patricios! La conspiración de Álzaga de 1812 », *Americania, Revista de Estudios Latinoamericanos*, Número Especial, 2015, p. 21-25.

⁷⁸ Archivo Histórico de la Ciudad de México (AHCDMX), Ayuntamiento y Gobierno Federal, Padrones documentos, vol. 3393, exp. 3.

⁷⁹ AHCDMX, Ayuntamiento y Gobierno Federal, Padrones documentos, vol. 3393, exp. 2.

imbrication entre naissance et race : la noblesse, entendue comme qualité de la naissance – mais aussi comme condition – était la plus importante, suivie par celle propre à la population espagnole, et donc blanche, en tant que les deux premiers niveaux de l'organisation sociale. Le reste de la population suivait : indiens, métis, esclaves, mulâtres et autres castes.

La distinction ontologique reposait donc, à la fin du XVIII^e siècle, sur la couleur de la peau. Ce fait transformait l'individu blanc, propriétaire ou père de famille et voisin, en individu politique, d'autant plus s'il présentait une qualité particulière liée à la naissance, autrement dit à la noblesse. Le contexte américain ici décrit explique que, même si les étrangers étaient placés à l'extérieur de l'être, le passage de l'état de voisin à celui de citoyen qui permettait de quitter la condition d'étranger pour celle d'individu politique, reposait sur un aspect central : la couleur blanche déterminait les qualités des ontologies, ce qui impliquait une plus facile intégration des individus de cette condition. Ceci aide à comprendre mieux encore les expressions telles que « Espagnols français », « Espagnols portugais », « Espagnols italiens », etc., puisque ces individus constituaient des altérités capables de conversion aux valeurs et aux mœurs de la communauté hégémonique de la monarchie espagnole. Il s'agissait des commerçants qui respectaient la culture et les intérêts espagnols dont parlait Ward, ou ces autres voyageurs ou naturalistes cultivés capables de dire la vérité sur l'Espagne, que réclamait Cavanilles ou Cadalso. S'ils pouvaient être considérés comme étrangers à la communauté politique (hégémonique) espagnole, ils n'étaient pas vus comme des individus non civilisés par nature, comme ce pouvait être le cas des indiens, des mulâtres ou des noirs. Ces derniers, tout comme les gitans dans les territoires de la péninsule ibérique, étaient vus comme une altérité dont l'assimilation et l'intégration étaient difficiles, voire impossibles, et pour lesquels la contention et l'expulsion était la seule solution.

Conclusion

Présenter les étrangers comme des individus à l'extérieur de l'être, que ce soit l'être naturel ou le voisin du début du XVIII^e

siècle ou les prémisses de la condition de citoyen du début du XIX^e siècle, permet de les situer dans le contexte discursif et identitaire dans lequel ils se trouvaient quand, dans le cadre de la migration, ils s'installaient dans une nouvelle communauté politique. Dans le contexte d'un régime de vérité de l'hospitalité (qui allait du discours sacré à celui cosmopolitique), on comprend que l'interprétation *œconomique* de cette idée imprègne aussi le nouveau discours constitutionnaliste. Le constitutionalisme espagnol offre un exemple de l'importance de l'individu politique lié au voisinage : pendant le XVIII^e siècle, il s'agissait de l'individu naturel de n'importe quel territoire de la monarchie espagnole, notion qui allait servir de fondement à l'idée de citoyenneté. Pourtant, le voisinage ne fut pas le seul principe permettant de définir ce qui était étranger, comme le montrent les écrits qui articulent le savoir de la « matière » d'Espagne (et sa défense).

Vers la fin du XVIII^e siècle, l'idée de ce qui était « espagnol » dépassait largement la question du voisinage, et exigeait une nouvelle manière de définir la condition d'étranger. Celui-ci n'était pas seulement celui qui n'était pas installé, c'était aussi celui qui n'appartenait pas à la communauté politique hégémonique de la monarchie espagnole. Cette communauté politique de référence n'était pas unifiée, mais variait selon les conditions de chaque étranger. La question de la non appartenance à la communauté politique entraîna la catégorisation des étrangers : les commerçants, les hommes de lettres, les communautés étrangères ou les ennemis politiques. La non appartenance à la communauté politique reposait sur le fait que les étrangers ne partageaient pas les valeurs et les mœurs de celle-ci, ce qui impliquait, à la fin du XVIII^e siècle, le fait de ne pas défendre les intérêts de la monarchie espagnole et même de sa culture, profondément identifié à la monarchie comme communauté politique.

Ce que nous avons présenté dans cet article permet donc de nuancer certaines des affirmations de l'historiographie traditionnelle, qui a insisté sur l'importance de l'idée de voisinage dans la définition de ce qui est espagnol, ou du moins, dans la minoration de la négativité liée à l'extranéité. Dans ce sens, l'inclusion normative (et sociale) ne diminuait en rien l'incertitude des étrangers, puisque celle-ci réapparaissait selon les circonstances, étant donné que l'étranger était toujours imaginé

comme un être à contenir ou à convertir, ou pire encore, comme un ennemi. C'est la raison pour laquelle on ne fait pas toujours attention à l'exclusion, entendue comme une conséquence de la forme constitutive (et discursive) de la communauté politique.

L'absence d'une « identité étrangère » durant le XVIII^e siècle, implique une difficulté supplémentaire à la possibilité de penser l'étranger au-delà des catégories d'inclusion / exclusion, d'autant plus que les étrangers ne se définissaient pas eux-mêmes comme tels, mais comme des naturels ou des citoyens. La sélection dans les sources réalisée par la monarchie traduit l'importance que ces mêmes sources accordent à la non appartenance à la communauté politique. Définir la condition d'étranger suppose donc s'interroger sur la véritable action des étrangers et sur ses limites⁸⁰ ; c'est-à-dire, il s'agit bien plus que d'interroger l'être de l'étranger, il faut élucider la continuité de l'être, pour reprendre l'idée de Kuch, de l'étranger dans le XVIII^e siècle hispanique. Iván Escamilla s'est indirectement rapproché de ces considérations lorsqu'il étudie la vie de Lorenzo Boturine, dans le Mexique du XVIII^e siècle. Sa condition d'italien, malgré sa réputation d'historien de la Vierge de Guadalupe, n'interdit pas son expulsion ultérieure. Cependant, Boturini ne s'est jamais exprimé en tant qu'étranger, mais en tant qu'historien, c'est-à-dire en tant qu'étranger cultivé et utile à la communauté qui l'accueillait. Son expulsion s'explique, selon Escamilla, par le fait qu'il n'avait pas intégré la communauté politique novohispana⁸¹, alors qu'il y était installé. Cela montre que, même si on prête attention à la parole des étrangers, il faut tenir compte de la face cachée de l'inclusion : l'exclusion latente qui se manifeste dans des contextes conflictuels, ou lorsque la conversion échoue (ou que la société hégémonique l'entend ainsi).

⁸⁰ Pour une réflexion à partir de l'œuvre de Cerutti et Subrahmanyam, voir Natividad Planas, « L'agency des étrangers. De l'appartenance locale à l'histoire du monde », *Revue d'Histoire Moderne et Contemporaine*, n. 60, 2013, p. 37-56.

⁸¹ Iván Escamilla González, « Pródigo y proporcionado socorro : Lorenzo Boturini y sus patrocinadores novohispanos », dans F. Cervantes et al. (éds.), *Poder civil y catolicismo en México, siglos XVI al XIX*, Puebla, Benemérita Universidad Autónoma de Puebla, p. 129-149 ; « La piedad indiscreta : Lorenzo Boturini y la fallida coronación de la Virgen de Guadalupe », dans F. Cervantes (dir.), *La Iglesia en Nueva España. Relaciones económicas e interacciones políticas*, Puebla, Benemérita Universidad Autónoma de Puebla, p. 229-255.

Penser la condition d'étranger dans la monarchie espagnole du XVIII^e siècle implique donc nécessairement démultiplier les angles d'observation. Cela suppose de comprendre les pratiques de savoir / pouvoir qui articulaient le régime de vérité sur la condition d'étranger (ou qui sont articulées par cette condition), tout comme d'analyser la pratique sociale et juridique de l'étranger, dans le cadre spécifique des discours sur la « matière » d'Espagne diffusés au XVIII^e siècle. Il est ainsi possible de comprendre que les étrangers du XVIII^e siècle étaient obligés de rester en dehors de l'être, du point de vue matériel, juridique, discursif et ontologique. La pratique d'une différenciation raciale des identités effectuée durant le XVIII^e siècle, comme on l'a vu dans le cas des recensements, n'a pas entraîné le dépassement de cette condition frontalière : elle permet seulement d'inclure l'étranger blanc dans une compréhension de l'être (du point de vue racial), sans que cela implique nécessairement son inclusion dans la communauté politique de la monarchie espagnole. En un mot, les étrangers ont toujours été définis par rapport à un autre, à l'être « espagnol », même si dans cette définition on peut trouver quelques traces d'interaction entre ces êtres placés à l'extérieur de l'être et le reste du corps politique de la monarchie espagnole.

Elena Fernández Fernández
(Berkeley)

**From Subject to Citizen?
A Debate about Citizenship and Race
in the Works of José Blanco White
and Fray Servando Teresa de Mier**

This article will explore and analyze the tensions between the newly created concept of the citizen and the recently neutralized idea of the subject through a racialized perspective, taking into account the political and historic complexities of the early nineteenth century on both sides of the Atlantic. The object of study of such tensions will be the heated debate that José Blanco White and Fray Servando Teresa de Mier hold in 1811 in the numbers nineteen and twenty four of *El español (The Spaniard)*, a Spanish newspaper based in London; and in the published letters *Cartas de un Americano a un español (Letters from an American to a Spaniard)*. Both notions, “subject” and “citizen”, supposedly belonged to two different moments in terms of history and politics: the *Ancien Régime* and Modernity. Yet in the context of Spain in 1811 these categories could still be found in a hybrid state. The Napoleonic invasions of the Iberian Peninsula, together with the claims of independence of the Spanish colonies overseas and the negotiations between Peninsular Spaniards and American Spaniards in the Cortes de Cadiz about the constituent principles of the Constitution of 1812, framed the discussions about what it meant to be a Spanish citizen and the racial requirements to become one. The ideals of the European Enlightenment about the abolition of torture as a legal practice, the French Revolution and its propositions about active and passive citizenship and, finally, the international debates that were taking place at the moment

about race and abolitionism will intermix with the historic specificities of Spain in the context of the downfall of its Empire.¹

The eighteenth century witnessed dramatic changes worldwide due to several interwoven processes in different spheres. The change of perception about the natural rights of men foreshadowed the creation of the concept of human rights both in the French and American Revolutions through the discussions about the abolition both of torture and public executions. According to Michel Foucault in *Discipline and Punish: The Birth of the Prison* (1975, translated into English in 1977), the underlying ideology of punishment previous to the eighteenth century was to understand crime as a royal offence and penance as a symbolic vengeance. In his own words:

The public execution, then, has a juridico-political function. It is a ceremonial by which a momentarily injured sovereignty is reconstituted. It restores that sovereignty by manifesting it at its most spectacular. The public execution, however hasty and everyday, belongs to a whole series of great rituals in which power is eclipsed and restored (coronation, entry of the king into a conquered city, the submission of rebellious subjects); over and above the crime that has placed the sovereign in contempt, it deploys before all eyes an invincible force. Its aim is not much to re-establish a balance as to bring into play, as its extreme point, the dissymmetry between the subject who has dared to violate the law and the all-powerful sovereign who displays his strength.²

However, the indisputable power of the king and the legal category of the subject will be questioned during the Eighteenth Century. The public spectacle of torture now represented an unexpected revolutionary danger due to a new emerging feeling on behalf of mobs: empathy. The interiorization of the historically accepted dichotomy between submissive subject and almighty monarch while witnessing royal power performances through the institution of torture and public executions witnessed a reversal during the

¹ I explore this debate in more detail in chapter four of my Doctoral Dissertation, where I include an extensive analysis about the discussion between both authors.

² Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan, New York, Vintage Books, 1995, p. 49.

so-called “Age of Enlightenment”, as subjects increasingly regarded themselves as citizens. It is in this context, a change of morals towards the understanding of human life, when the creation of the idea of citizenship and human rights in the newly created Republics must be understood.

Although in the new reality that the French and America Revolutions inaugurated, citizens had displaced kings in terms of legal power and were able to enjoy many benefits such as access to private property, right to a fair trial or right to vote in democratic elections, there were limits in the ideals of these Enlightenment Revolutions. Emmanuel Sieyès proposed in his well-known 1789 pamphlet *What is the Third Estate?* to differentiate between active and passive citizenship. In this way, white adult males older than twenty five years old would hold active citizenship and therefore all the privileges just mentioned, and the rest of the population (women, colored men, foreigners, slaves), would not be able to enjoy any of them. Even though in the British Empire there were attempts to wide the range of access to power of minorities by creating the idea of Virtual Representation, thanks to which the third estate supposedly had their rights represented through the active role of some members of the Parliament, this was a very specific legal gap that took place uniquely in the British Empire.

It is at this complicated intellectual crossroad that the discussions of both Fray Servando and José Blanco White about Spain in 1811 must be framed. In addition to these intricate political realities it is necessary to take into account the Napoleonic invasions of Spain (understanding by Spain not only the Iberian Peninsula but the Spanish Empire territories in North, Central and South America, Asia and Europe) and the role of British foreign policy in the Spanish situation.

1811 was a determinant year in the history of Spain. The rule of Joseph the first, brother of Napoleon, as king of Spain created a break of the Empire, as the Spanish American creoles never recognized the authority within the French administration over their territories. As a result of this disobedience, they started a process of civil unrest that would eventually end with the independence of the Latin American Republics. In 1812, a group of insurgent Peninsular Spanish and Spanish American Deputies

created the first Constitution ever of Spanish History, where they proposed a model of State Sovereignty where active citizens had access to vote an elected government while keeping the institution of monarchy.

As indicated by Antonio Calvo Maturana in *Cuando manden los que obedecen. La clase política e intelectual de la España preliberal (1780-1808)*, active citizenship linked to the idea of patriotism was fostered by the Bourbon administrations ever since their arrival to the Iberian Peninsula after the War of the Spanish Succession. By displacing the high aristocracy from power positions in order to cement absolutism, there was a social change that gave power to the low aristocracy, who became the new members of the government administration. These new group of loyal subjects of the crown observed a process of gradual empowerment throughout the eighteenth century that culminated in the 1780s, when, as documented in several contemporary texts (for example, the Spanish newspaper *El censor*) they saw themselves as the new citizens of Spain who had an active responsibility in the wellbeing of the nation. It will be precisely these new citizens of Spain that were born and bred in the political context of absolutism who would be the ones that in 1812 proposed the Constitutional Monarchy mode for the state and who faced the challenge of defining citizenship in terms of race.

Race as an exclusive tool of legal power proved to be a very complicated choice for defining the recently created Spanish nation. Even though there is an academic debate regarding where to place the origins of scientific racism, it could be said that it is broadly accepted by the academic community that the Eighteenth Century witnessed the birthplace of the intellectual fabrication of the white race. As noted by Reginald Horsman in *Race and Manifest Destiny. The Origins of American Racial Anglo-Saxonism*, as a result of the propaganda campaigns developed during the wars of religion in Early Modern Europe, the Germanic tribes that arrived to England after the downfall of the Roman Empire became the national metaphor that was used to define the English people racially.³ This rhetoric was soon extended to other European nations, who started to fabricate their own national myths under

³ Reginald Horsman, *Race and Manifest Destiny: The Origins of American Anglo-Saxonism*, Cambridge, Harvard University Press, 1981.

the label of teutonism by claiming national superiority through whiteness. Spanish racial hybridity as a Southern European power whose empire was started in the context of the expansion of Catholicism under Early Modern epistemologies, had to solve the very complicated intellectual incognita of incorporating teutonism not only to their national narratives, but to the legal aspects of deciding who was white enough to be considered an active citizen. It is in this context of deciding the racial qualifications that were necessary to become a Spanish citizen when this debate should be placed.⁴

Fray Servando Teresa de Mier was a descendant of Spanish creoles born in Mexico who would soon develop a very deep anti-Spanish sentiment that would create problems for him with the Spanish Inquisition. Actively engaged during his time in Spain in the writing of the Spanish Constitution of 1812, Fray Servando eventually moved to London in 1811, where José Blanco White, was also living at the time. José Blanco White was a Spanish descendant of Catholic Irish immigrants in Spain who firstly became a catholic priest but changed confession and became protestant. With a hybrid British-Spanish identity White secured the attention of British statesmen such as William Wilberforce and the Foreign Secretary Lord Wellesley, who would fund the Spanish magazine *El español* based in London and distributed in the Spanish Speaking world between 1810-1814.

The Napoleonic invasions of the Iberian Peninsula meant that an expansionist France now also had control of the Spanish Empire. As William Kauffman indicates in *British Policy and the Independence of Latin America. 1804-1828*, the British Empire had very important political and economic interests in Latin America, which lead to the development of an active involvement in the French-Spanish conflict.⁵ London became a center of reunion for Latin American conspirers under British protection. The main

⁴ My forthcoming article “A Racial Interpretation of the Numancia National Myth in the Works of Miguel de Cervantes and Ignacio López de Ayala”, published in the Fall 2018 Issue of *Dieciocho*, explores in detail the processes of construction of national identities in Spain under the paradigm of race during the Eighteenth Century.

⁵ William W. Kaufmann, *British Policy and the Independence of Latin America*, New Haven, Yale University Press, 1951.

target of British intelligence was to stop the control of Latin America by France by hastening the Latin American revolutions, but also keeping them free of Jacobin ideas intending to keep the Spanish Empire together and give it back to the rightful Spanish king, as there was an interest in trade and commerce after the planned French defeat. It is in this context that the economic interests of the British Empire not only in Latin America but across the whole Atlantic world, were paramount when they developed the policy of supporting the abolition of slavery worldwide. José Blanco White will support these ideas in his newspaper, while Fray Servando will present a much more radical political view.

The main topic of debate was the discussions that were taking place about whether to consider or not the descendants of former African slaves as Spanish citizens. Blanco White started spreading the British Government view on the topic in number twenty four of his newspaper *El español* published October Thirtieth 1811. Blanco White's agenda was to defend the rights to access citizenship of Spanish subjects of African descent by making two points. The first one was a warning of the dangers of having a huge amount of racially mixed populations unhappy with their underrepresented legal state that may be easily radicalized by the more independent Latin American leaders. The second one was to wonder why, unlike African Spaniards, other subaltern subjects such as the descendants of Sephardic Jewish, Arab or Native American had eventually managed to get access to Spanish citizenship. Finally, Blanco White treats the topic of how the racial variety present in Latin America challenges the idea of creating access to citizenship using the Northern European idea of whiteness by implying that in the Hispanic world the nation must be defined under a different perspective as the characteristics of the Hispanic population are more racially mixed than the other European Empires.

Fray Servando Teresa de Mier contested these views in his *Letters from an American to a Spaniard*. The main point in his agenda will be to hasten the total break of Latin America with Spain, and the means to achieve such a target will be to use the debate about race and citizenship opened by Blanco White. While the former tried to use the arguments in favor of African-Spaniards accessing

Spanish citizenship to reconcile the Empire, Fray Servando used this same debate to try to break it. In order to achieve this, he argues that no Spanish person can claim to be white at all, not even the rightful ruler of all the Spains, King Ferdinand the seventh.

And he has read astonished, that during the time when from one pole to the other in war they are burning fires about his rights, and to light even more the fire, ten million inhabitants have been deprived citizenship. Why? Because they have one drop of African blood drowned in a river of Spanish blood, as if there would be one Spaniard, even Ferdinand, who could prove that he does not descend from Africans, Carthaginians or Saracens, that dominated the Iberian Peninsula eleven centuries; or as if it would be better than the African the blood of the Suebi, Alans, Vandals, Goths, and other barbarians from the north ancestors of the Spaniards as distinguished as the ludios. But in any case, the Gypsies of Spain declared in equality of rights are something other than mulato thieves? where not Spaniards already so mixed with blacks when the conquest of the Indies took place, that the Code of them ordered several times that it should not be allowed to go to the Americas to mulatos, zambos, loros, as well as Gypsies, to avoid staining the pure blood of its natives?⁶

By questioning the whiteness of Peninsular Spaniards Fray Servando is also questioning their right to control populations using race as a device of exclusion. In this way, he is challenging the authority of the Spanish Government not only to decide whether the descendants of African Americans should have access to Spanish citizenship but also whether Spain had the right at all to claim Latin America as their territory. Additionally, he will compare the invasion of Spain by Napoleon with the Spanish conquest of the Americas, and he will use racism as a device to shake public opinion while proposing a new idea of a modern nation composed by several races living in equality of rights.

The 19th of March 1812, the first Constitution of Spanish history was finally approved in Cádiz, failing to give access to Spanish subjects of African descent to active citizenship. As a result of the tense political moment and of the crossroad of interests by England, France, Latin America and Spain, there will

⁶ Fray Servando Teresa de Mier, *Cartas de un americano al español* [*Letters from an American to a Spaniard*], p. 38 (my translation).

be a second round of discussions between Blanco White and Fray Servando.

Political unrest in Latin America did not decrease after the Constitution, and the Latin American republics continued with their processes of independence. Blanco White, in number 24 of *El español* used race precisely to question the viability of the rebellions. Again guided by British interests in Latin America, White tried to warn of the dangers of a total break with the Spanish crown by stating that the main difference between the success of the United States and the more than likely failure of the project of the independence of Latin America would be the difference in racial landscapes between them.

Eyes should not look at, (as I have many times already said), eyes should not look at the English America to seek for example. Spanish America has as little similarities if we compare its moral and political state with that one when it started the revolution that separated it from Great Britain, as Russia or China may have with it. Two millions of Spanish Americans gathered would be enough to create an independent state; fifteen millions of Spaniards, Creoles, Indians, Mulatos, Mestizos and Africans, would not be able to verify that state not even in one century.⁷ (my trans, 420)

Again, to try to question the leadership of the more radical Latin American politicians, White employed a racist warning about the dangers of having racially mixed populations empowered.

The essential difficulty that Spanish America has to shape itself into Independent States, is mainly due to the fact that the greatest part of its population is unable to take an active role in government, and the part of its population that actually can rule can't find a way to agree to govern the other one. Whites are the ones that reason chooses, and that naturally want to rule America. Castas and Indians, even though they may not be naturally inferior, they have been and they are embedded in the deepest ignorance, and it would be the most horrible delusion to put power in their hands. But, ignoring the practical knowledge of the European caste, which by their circumstances, can't be too prominent or extended, are their members in good

⁷ Blanco White, *El español*, n. 24, p. 420 (my translation).

shape to form a firm, solid and strong government, such that, with his containment, union and activity will be able to content in subordination the immense mob of the rest of inhabitants?⁸

Blanco White's agenda clearly contradicts his earlier stated view on the topic of active citizenship for the descendants of African slaves. Here it can be clearly seen how it was in the interest of European main powers to foster the abolition of slavery and the access of racially mixed populations to active citizenship, but always under the undeniable control of white power. Access to some rights to prevent social unrest did not converge with the same idea of modern democracy that could be found in Northern Europe, where the racial landscape was more homogeneous and colonial expansion would not be threatened by giving power to the third estate.

Fray Servando soon answered these views in his second letter, published May 16th 1812. Fray Servando will try to hasten the total break with the Spanish administration again using race as a main argument, but in this case, in a different way. According to him, Latin America was as racially mixed as Spain. By quoting Don Feliz de Azara and his work *Trips around Meridional America from 1718 until 1801*, he questions again the whiteness of Spain:

In Chapter 14 he talks about mestizos and mulattos, and he says about the first ones, that is, the offspring of Indian Women and Spaniards: "I think they have some superiority to Spaniards from Europe due to their height, the elegance of their ways and even for the paleness of their skin. These facts may me wonder that the mixture of races actually improves them. And I think that these mestizos have more wit, sagacity and intelligence, than the children of Spanish fathers and mothers: I also believe them to be more active". About mulattos he says: "I find that mulattos who come from the union of Spaniards and Blacks are more active, more agile, more vigorous, more alive, wittier and more talented than their parents."⁹

⁸ *Ibid.*

⁹ Fray Servando Teresa de Mier, *Cartas de un americano al español*, p. 68 (my translation).

By questioning the whiteness of Spaniards Fray Servando is also questioning colonial power structures where race was used as the main device of political control.

The debates between Fray Servando and Blanco White display the very complicated state of the question of citizenship and access to power in the first decades of the nineteenth century. To try to apply the northern European idea of whiteness as a main power tool not only in Latin America but also in Spain proved to be complicated, as Peninsular Spain's mixed racial history as well as the negative racialization that Northern Europe imposed in Southern Europe around the eighteenth century created a very confusing racial identity crisis. In a moment when racial discourses were used as intellectual justifications to defend imperial expansion, to be defined as Aryan meant to be understood as racially superior. In this way, the nineteenth century witnessed the intellectual fabrication of racially superior and racially inferior nations. The transition from subject to citizen was therefore complicated in this racial dynamics when all the European Empires were fighting for power and using all their resources to protect their own political and economic interests.

In order to finish with this sequence of ideas, it is important to highlight the fact that, at a moment when nations were defined by race, power and citizenship will prove to not have such a direct relationship as it has often been assumed. As indicated by Benito Alaez Corral in *Nacionalidad, Ciudadanía y democracia. ¿A quién pertenece la Constitución?*, the Roman Empire also had to face the challenge of integrating multicultural societies into the active and passive citizenship binarism. A gradation of access to political privilege was the solution, and as the Empire grew, new categories were created such as the *romanii*, *latinii*, *pregrini* or *diditicii*. Even though it seems that Spain proposed a similar solution to try to stop the imminent disintegration of its multiracial empire, the racial *zeitgeist* of nineteenth century Europe proved to be a very different scenario.

According to Michael Iarocci in *Properties of Modernity. Romantic Spain, Modern Europe and the Legacies of Empire*, the eighteenth century witnessed the empowerment of northern European empires and the decline of southern European ones. It

is during this time when Spain was effectively expelled from intellectual modernity, being displaced from an early modern core position in western geopolitics to a modern periphery. Along with this expulsion from intellectual modernity, Spain was also expelled from the newly created eighteenth century racial modernity. Even though Spain did not accept this expulsion during the eighteenth century, the rise of capitalism together with the creation of public opinion through the distribution of the printed press (as proposed by Jürgen Habermas in *The Structural Transformation of the Public Sphere. An Enquiry into a Category of Bourgeois Society*) made it very difficult to control its image worldwide. Although during the last decades of the eighteenth century scientific racism was not yet accepted as a hegemonic epistemology, it can be clearly observed how in post-Napoleonic Europe the possibility of creating alternative empire discourses where race was not the main power tool proved to be difficult. Susan Martín-Marquez states in *Disorientations. Spanish Colonialism in Africa and the Performance of Identity* how Spain never fully accepted the racial tenets of the Northern European empires, and how during the Spanish expansion through the African continent in the second half of the nineteenth century Spain will assert colonial rights by proposing that as a racially mixed frontier country, Spain had a natural racial claim to conquer Africa.

By 1812, however, and in the context of the Downfall of the Spanish Empire, Spain had to face its first national identity crisis. Its incapability to reconcile its empire under the racial nation building strategies imposed by northern Europe created a political weakness that was used by the ideologues of the new Latin American Republics. The interiorization of white supremacist discourses precisely to challenge the unity of an empire that was trying to use race power structures by denying the whiteness of the colonizer was a very successful strategy that ultimately broke the unity of Spain.

The success of the American and French Revolutions was measured in terms of the social improvements that for the first time some groups of the population could access. However, the claims of the universality of the access of those rights that both revolutions ensured clashed with the underlying colonial structures of the moment. Even though continental Europe undeniably

profited from the new democracies while citing its racially homogeneous populations, Southern Europe struggled to find a place in this new idea of teutonic national identities. Spain, both in the Peninsula and overseas, failed to solve the problem of the newly imposed northern European model of nation.

Ployjai Pintobtang
(Sussex)

Shaping Modern Republican Citizenship: The American Reception of Jean-Louis Delolme (1740-1806)

This article examines how the overlooked American reception of Jean-Louis Delolme (1740-1806) contributes to the research on the origins of modern republicanism and its idea of citizenship. It contends that the research on Delolme's American reception supports the argument that the formation of what we now call liberalism is linked to critiques of classical republicanism from both its own supporters and opponents. Delolme's American reception reveals how civic republican notion of virtuous citizenship is modified partly by the notion of national interest and its equally homogenizing effect. Although explicitly a conversation on the nature of the new American federal constitution, at a deeper level, these selected Federalists and Anti-federalist pamphlets subtly reveal new understandings of terms such as human nature, balance of power, sovereignty including citizenship. In this regard, this article shares the same spirit with Kalyvas and Katznelson who contend that "liberalism as we know it was born from the spirit of republicanism, from attempts to adapt republicanism to the political, economic, and social revolutions of the eighteenth century and the first decades of the nineteenth."¹ Despite their political differences, Richard Sinopoli highlights how both

¹ Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns*, Cambridge, Cambridge University Press, 2008, p. 4, <https://doi.org/10.1017/CBO9780511790782>.

“Federalists and Anti-federalists were concerned with the problem of fostering *sentiment* of allegiance from which a disposition to undertake civic duties would emerge”.² This article also agrees with this assumption. Through Delolme’s American reception one can see how the Federalist and the Anti-federalist both employ Delolme to support their preferable political model for the new republic but at a closer look, their criteria of what a good republic should be are more similar than previously thought. In short, this reception of Delolme also examines how the basis of allegiance is perceived in the fast-changing context of the American constitutional debate by various interpretations of national interest in relation to civic virtues.

1. The Reception of Jean-Louis de Lolme’s Constitution of England in John Stevens’ *Observations on Government* (1787)

John Stevens (1749-1838) is not only the first American to invent steam locomotive but also a prominent Anti-federalist under the penname “A Farmer of New Jersey”. His pamphlet “Observations on Government (1787)” is an attack on John Adams’ *A Defence of the Constitution*³ and Delolme’s *the Constitution of England*. The pamphlet is previously studied for its French translation as a weapon against the Anglophiles in France. At a closer look, the piece offers an intriguing example of political proposition by the Antifederalist including his proposition for multiple executive powers. Stevens’ attack on Delolme directs at not only Delolme’s but also other Federalists’ allegedly pessimistic account of human nature and his accordingly mistaken idea of balance of powers. In order to establish a popular government, Stevens argues, mankind needs to correct their understanding of human nature. He criticizes the English system of creating an interest distinct from the national interest with the existence of the Crown. The new republic should not and cannot take lessons from

² Richard C. Sinopoli, *The Foundations of American Citizenship : Liberalism, the Constitution and Civic Virtue*, New York: New York, O.U.P., 1992, p. 6.

³ John Adams, *A Defence of the Constitutions of Government of the United States of America: Against the Attack of M. Turgot in His Letter to Dr. Price, Dated the Twenty-Second Day of March, 1778*, Philadelphia, Budd and Bartram, 1797, <https://books.google.co.uk/books?id=aH0NAAAAAYAAJ>.

the Old World which he argues to be history of mere chances and violence. America, he argues, has the true constitution because it was a contract entered by all equal citizens which is also a proper “experiment”. Stevens argues that science of politics, unlike in Delolme’s *Constitution*, requires equal participation by all citizens not the study of the past to distil for general political principles. Following civic republican tradition, Stevens portrays active participation by equal citizens as crucial for the creation of the new republic. Nonetheless, he also incorporates language of national interest to argue against Delolme’s account of the English system. In Stevens’ work one can read an almost seamless transition from the old civic republican language which defines liberty as self-determination to modern doctrine of science of politics inspired by the Scottish Enlightenment mostly associated with David Hume and Adam Smith. Furthermore, despite his theoretical advocating of active participation by all citizens, Stevens agrees with Delolme and the Federalists that the new republic needs effective representative mechanism. Nonetheless, Stevens’ disagreement with the Federalist latent pessimistic stance on human nature leads to his advocating of unicameralism and plurality of the executive power, the opposite of what John Adams proposes. There only needs to be one parliament reflecting the unity of interest among equal citizens while the executive power is proposed to be divided between the President, the Chief Justice and the Superintendent of Finance to avoid giving too much power to the central government nominated by the one executive person of the president as suggested by the Federalist.

There is limited secondary literature on John Stevens despite the wide circulation of the pamphlet. Its full title is “Observations on Government, including some Animadversions on Mr. Adams Defence of the Constitutions of Government of the United States of America and Mr. De Lolme’s Constitution of England by a Farmer of New Jersey” and according to Joyce Appleby, was “ignored at home” but “became a smashing hit in France”.⁴ Nonetheless, a contemporary German *Göttingen Anzeigen*

⁴ Joyce Appleby, “The Jefferson-Adams Rupture and the First French Translation of John Adams’ Defence”, *American historical review*, v. 73, n. 4, 1968, p. 1084-1089.

review of the piece argues that, the preface of the French version⁵ indicates how it is more well-known in North America than in Europe.⁶ Palmer in his *The Age of Democratic Revolution*⁷ (2014) contends that, the event of the American Revolution and the following discussion on the nature of the novel American state constitutions has the strongest impact on France before its own occupation with the French Revolution in 1789. Stevens' pamphlet is part of a body of evidence that can be used to support this claim. The pamphlet was translated into French in 1789 by the cooperation of Thomas Jefferson and his French circle to counter Adams' *Defence* which is portrayed as a work of an Anglophile that seeks to bring back hereditary orders of people. Stevens' pamphlet's another equally important target is Delolme's *Constitution of England*. In fact, despite a number of differences between Adams' arguments in *A Defence* and Delolme's *Constitution*, Stevens almost always attacks both at the same time, arguing that that they both favour both aristocracy and monarchy. Regardless of the falsity of this claim, Stevens' pamphlet is a good example of how Delolme's works are received in America in late eighteenth century by the Antifederalists who prefer French egalitarianism over the English mixed constitution. For Stevens, the issue is about how the English model is a misfit for America and he employs Delolme's *Constitution* as a straw-man to attack whatever disadvantages he finds the system is prone to and to support his own proposals.

Politics as an Experiment to be Participated by all Equal Citizens

In Smith's pamphlet, one finds traces of civic republicanism in many forms. This includes the metaphor of body politics which compares a political entity as a person and political

⁵ Titled: *Examen du gouvernement d'Angleterre comparé aux Constitutions des Etats-unis, Où l'on refute quelques assertions continues dans l'ouvrage de M. Adams, intitulé: De la Constitution d'Angleterre.*

⁶ My translation from the German original "nach der Vorrede des Uebersetzers ist es auch mehr in Nordamerika, als in Europa bekannt geworden."

⁷ R.R. Palmer, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800*, Princeton University Press, 2014.

problems as diseases and the presumption that active participation is requisite for maintaining a good republic. Nonetheless, in the same work we can also find a new metaphor of politics as a scientific experiment that therefore cannot rely on previous experience of the Old World but depends solely on all citizens of America to explore the best political model for this new and unique large-scaled modern republic.

At the beginning of the pamphlet, Stevens denounces Adams' *Defence*, dubbing the author "a state empiric, who prescribes one single remedy for all disorders".⁸ This false panacea is idea of orders and balances which Steven accuses of being a mistaken "political nostrum", with a remarkable language of body politic, comparing Adams' political analysis as a misdiagnosis by a doctor who does not understand the political body. He then provides extensive quotes from Adams and his ideas of balances between three orders of the people; the monarch, the nobility and the people, and how for Adams, according to Stevens, "in America the balance is nine-tenths on the side of the people: indeed there is but *one order* [...] Thus then we have neither 'Balances' nor 'Orders'".⁹ Despite Stevens' finding the idea of Balances and Orders inconsistent, he argues that because of its prominence among men of letters in Europe, Americans should "bestow utmost care and attention towards investigating this subject, so particularly important to us at this time".¹⁰ Here Stevens is referring to the upcoming Constitutional Convention in September of the same year of 1787. Stevens perceives the issue of constitutional design as down to those who have a pessimistic account of human nature, especially Adams and Delolme, and therefore, also advocates of theory of balance of power, against those who seek to "make one more generous effort in favour of human nature" and "risque her from the opprobium which these writers have cast upon her".¹¹ For Stevens, he is fighting against those who do not believe that "man is capable of governing

⁸ John Stevens, *Observations on Government, including some Animadversions on Mr. Adams Defence of the Constitutions of Government of the United States of America and Mr. De Lolme's Constitution of England by a Farmer of New Jersey*, New-York, Printed by W. Ross, 1787, p. 3.

⁹ *Ibid.*, p. 5, quoting Adams from *A Defence*.

¹⁰ *Ibid.*, p. 6.

¹¹ *Ibid.*

himself”;¹² a distinctly civic republican definition of political liberty, and instead, seek to manage the passions of human by pitching them against one another.

Another feature of Steven’s arguments in this pamphlet is his employment of Enlightenment language of progress. Similarly to Delolme’s preface to *the Constitution*, Stevens discusses how “though government has been established among various nations of mankind from time immemorial, its principles should be little understood. The art of government seems by no means to have kept an equal pace with other arts, in advancing towards perfection; it still remains in infancy, whilst other arts have almost attained maturity”.¹³ However, in spite of common terms like progress and maturity that belong to the tradition of Enlightenment thinking, Stevens significantly differs from Delolme and Adams in the approach to the study of politics. Contrary to Adams and Delolme who use history as their materials to find underlying principles from those samples, Stevens perceives the study of politics as an experiment. He argues that “to this day, no fair experiments have been made of the effects which the various forms of which government is capable, would produce.” Delolme also discusses at length how different forms of government could result in different degrees of liberty. Nonetheless, for both Delolme and Adams’ science of politics, the political scientists study historical texts and distil principles from them that are useful for the understanding of politics in general including their contemporary political issues, hence their conclusions that power corrupts and the best way to maintain stability requisite for liberty is to pitch those powers against one another. They emphasise how the political world is always the product of history and therefore, the best way to make sense of the present is to see it in the light of its past. For Stevens, not all forms of government have been tried adequately, especially in the history of the Old World. To jump to the conclusion that an extremely democratic system will not last is a mistake. “Since the revival letters it has been discovered that it is only from a great variety of well conducted experiments that a system of true philosophy can be established”.¹⁴ The main reason that Stevens

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*, p. 8.

rejects history as the only source for the study of politics is because “all that history furnishes us any account of, were the effect either of chance or violence”.¹⁵ Unlike the Old World and especially England of which system is praised and argued to be emulated by people like Delolme, America’s political thought will be based not on the study of the accidentality of history but the intentionality of the American materialization of “an original compact entered into by every individual of society, wherein a certain form of government is chalked out and established”.¹⁶ In Stevens’ version of science of politics, previous political events only happened by chance, as opposed to self-determination, and therefore the account of human nature that has been drawn from those historical catalogues is not only inaccurate but also implicitly justifies the status quo and denies the possibility of progress in both the study and the improvement of science of politics. There is an obvious tension between the very idea of human nature that implies some unchanged and perpetual qualities and the idea of progress that is always open-ended and therefore, makes Stevens’ idea of science of politics rather complicated and difficult to grasp. On the one hand, he rejects previous pessimistic account of human nature as product of the Old World where the experiments with politics has not been tried adequately. In a way, Stevens therefore is rejecting history as a proper ground for a study of politics by using history itself because his optimistic account of human nature rests upon his revoking of the previous pessimistic accounts of human nature which is founded upon nothing but laborious study of history. For Stevens, what makes America exceptional is that it puts social compact where people gather to write their rules for living together.

Following this line of argument, Stevens continues to revoke the very term “English constitution”, arguing that “I cannot find that the people of that country have any thing like what a subject of these States would denominate a constitution”.¹⁷ Here Stevens also equates a state’s constitution with the aforementioned definition of the original contract or compact. Steven also highlights the fact that “the written Constitution as we now know it was the offspring of the Revolution of 1776, which rapidly

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

resulted in royal charters being rewritten as the constitutions for independent states. These new constitutions (Pennsylvania's is the most striking example) tended to transfer the powers of the royal governor to representative assemblies whose power was virtually unlimited. Within a few years, however, the pendulum had begun to swing the other way."¹⁸ Here Stevens refers to the 1784 Pennsylvania state constitution which becomes unicameral with its elimination of the office of Governour (to the horror of Adams who describes it as "so democratical [sic] that it must produce confusion and every evil work.")

At the heart of Stevens' pamphlet lies an attempt to not just criticize the theorists of balance of power of the Old World along with their pessimistic account of human nature but also to offer an alternative. Stevens' argument is founded on the idea of original compact that is no longer just abstract but, according to Stevens, comes into being among the American states. Unlike people who favour theory of balance of powers who argue for "the impossibility of effecting a change",¹⁹ Stevens maintains that the American model is a way forward for humanity. American states should not look for its political guidance from the wisdom of Old World where "orders" are deemed necessary for the stability of a regime and equality among the people is perceived as destabilising. On the contrary, America has its unique beginning where social contract or social compact was made available in real terms combining with "the perfect equality which exists amongst us. We have no such thing as orders, ranks, or nobility; and notwithstanding [sic] all that Mr. Adams and- Mr. De Lolme have said in this subject".²⁰ Delolme and Adams in this pamphlet are presented as the epitome of Anglophiles with all their misunderstanding of politics due to their incorrect approach to the study of politics that relies solely on history without taking into account the open-ended nature of human progress in every field of knowledge and especially politics which, for Stevens, is "an art, which of all others is of the greatest consequence to happiness in this life".²¹

¹⁸ David Wootton, *The Essential Federalist and Antifederalist Papers*, Cambridge, 2003, p. 16.

¹⁹ *Ibid.*, p. 10.

²⁰ *Ibid.*, p. 46.

²¹ *Ibid.*, p. 7.

Representative Legislature, Trial by Jury, Multiplicity of Executive Power and Unicameralism: How Extremely Democratic State Can Last

Stevens' attacks on Delolme and Adams cannot be separated from his advocating of the new political model of the American states. For example, his criticism of Delolme's main argument of *The Constitution* that the strong and unitary executive power vested in the crown is requisite for English liberty of the subjects as modern liberty. Despite the discrepancy between what Delolme proposes in *the Constitution* and how Stevens reads it, this pamphlet still interestingly summarise the political argument between two groups of political enthusiasts that have different visions of how modern politics should be. For Stevens, English history demonstrates that the crown is "the cause of all intestine wars and civil broils, not the opposite. Security of the subject does not stem from the crown's unitary executive power but "depends wholly on a proper delegation of power".²² For Stevens, "there is scarce a page of the history of England but contains ample testimonials to the contrary"²³ of the argument that the English system's virtue is its stability. Stevens' account of the English history proposes that it is not the design of the constitution that is the key to the English success, if there is any, but it due to extra-constitutional and illegal schemes of taking up arms against their sovereign. In this regard, Stevens offers an account of the events before the Glorious Revolution and at the same time, criticizes Delolme's argument that English system is durable and stable. Stevens takes pain to make a list of the argued to be increased prerogatives that the English crown possess after the 1688 Revolution and why it is against liberty and security of the English subjects, not the other way around. The unitary executive power and its relation to stability and liberty of the subjects for Stevens provides an inaccurate historical account to justify the idea of balances and orders (of the people).

The last part of the pamphlet is dedicated to Stevens' suggestions of what American states' constitutions should be like. Again, he starts by referring to an argument against "extremely democratic states",

²² *Ibid.*, p. 14.

²³ *Ibid.*, p. 13.

The governments in these states [American states] are in fact nothing more than social compacts entered, into for the mutual advantage of the individuals of, whom the society is composed. But say these gentlemen, Mr. De Lolme, Mr. Adams, etc. governments so extremely democratic, can never last long: be its construction whatever it may, without Orders and Balances, it is impossible to prevent a government from degenerating into a tyranny: the legislature will finally engross all power to themselves, and for prevention of this no other remedy can be devised that will prove effectual.²⁴

Here Stevens begins to express his opinions concerning the design of a constitution that reflects his relatively more optimistic account of human nature in contrast with Delolme and Adams'. Stevens firstly addresses the issue of legislative tyranny, a topic that is also a main concern for not only Delolme and Adams but also a number of American patriots having witnessed the overpowering British colony and peripheral towns that are under-represented by the legislative branch. "I will readily admit that where the legislative power is confined to one assembly of representatives, without any check or controul [sic] placed in the hands of the executive or judicial, the apprehensions of his evil may not be altogether without foundation".²⁵ Nonetheless, I disagree with Palmer's argument that Steven means "it is of course wise to have a second chamber of legislation and to give the executive and the judiciary a power of restraining the legislature".²⁶ The focus rather is on a negative that is "lodged in the hands of the executive and judicial powers [...] in order that they may be able to defend themselves from the encroachments of the legislature".²⁷ Later Stevens also explains that because "The different constitutions which have been adopted by these States, are experiments in government entirely new; they are founded upon principles peculiar to themselves", the only aspects that America emulated the original is a "representative legislature, and a trial by jury" and especially concerning the legislature, "whether consisting of an assembly only, or of an assembly and senate, are chosen by the people; which circumstance renders our governments most democratic that ever

²⁴ *Ibid.*, p. 50.

²⁵ *Ibid.*, p. 51.

²⁶ R.R. Palmer, *The Age of the Democratic Revolution*, p. 211.

²⁷ John Stevens, *Observations on Government*, p. 51.

have existed anywhere”.²⁸ Stevens therefore does not conclusively rule out unicameralism. In fact, he also condemns English system as “heterogeneous jumble of incoherent and inconsistent parts; a vain attempt to reconcile jarring and incompatible interests of monarchy, aristocracy and democracy” which is at the same time, a direct attack on Delolme and Adams along with other designated Anglophiles such as Alexander Hamilton who favour English balance of power manifested in each branch of governing power representing the commoners, the nobility and the king.

This argument about union of interest among the people who are equal also influences Stevens’ opinion on executive power. Stevens contends that the “self-existing” and independent nature of both English executive power and House of Lords,²⁹ especially the former which he argues to be “accountable to no power in the nation whatever” creates a different kind of interest distinct from the rest of the nation.

One would naturally suppose that, in the Construction of a free government, we should, endeavour so to connect the interest of those in power with that of the community at large, as to make the promotion of the public good, and their own private advantage inseparable but the writers whose schemes I am combating, have pursued a mode the very reverse of this. By introducing “independent” and “self-existing” “powers” in the government, an interest is erected in the state distinct and separate from that of the community at large.³⁰

Since Stevens’ basis of allegiance of a modern republic rests upon unity of interest among citizens including those who serve in public offices. The strong and unitary executive power, Steven argues, destroys this unity of interest.

Stevens then concludes the pamphlet with his recommendation for “an effectual Foederal [sic] Government” despite his high praise of the result of the Constitutional Convention. He suggests that the executive power should be divided into three departments; the president, the chief justice and

²⁸ *Ibid.*, p. 52.

²⁹ *Ibid.*, p. 14.

³⁰ *Ibid.*, p. 28.

the superintendent of finance. “There three great executive officers, to constitute a council to revise all bills which have passed the house of representatives and the senate, in the same manner as y the constitution it is directed to be done by the President”.³¹ He also insists on an election for the president every three or four years, in contrast with Hamilton’s plan that advocates presidency for life. This presents a clear break from what Delolme proposes in *the Constitution* that unitary executive is requisite to balance out the legislative immense power. For Stevens, “The powers must necessarily be trusted in the hands of the President are amply sufficient to preserve his respectability and independence, were they greater, he might become dangerous”. The division of executive power into three branches gives power of appointing judges to the Chief of Justice and the power to manage federal revenues for the Superintendence of Finance. The three branches combined forms a council to revise all bills passed by the House of Representatives; a responsibility previously solely hold by the President. Stevens’ suggestion for the amendment of the 1788 Constitution is straightforwardly an attempt to divide executive power on the ground that an executive too strong will be detrimental to liberty. This final proposition is based on Stevens’ rejection of theory of balance of powers as incompatible with American politics despite Adams’ popularization of the idea and Delolme’s respectability among other participants in debates about American constitutional design.

In conclusion, John Stevens’ reception of Delolme exemplifies the existing understanding of Delolme’s work in the American context as a work of an Anglomane, popularizes by the works of Joyce Appleby.³² However, Stevens’ own criticism of both Delolme and Adams discloses how the language of national interest is topical to both the Federalists and the Anti-federalists sides. Stevens’ employment of unity of interest provides the ground for his version of modern republican allegiance. Furthermore, Stevens also uses the language of science of politics conventionally associated with the Federalist Papers. However, the Federalists mostly use it as a basis for their theories of balance of

³¹ *Ibid.*, p. 54.

³² See Joyce Appleby, “Republicanism in Old and New Contexts”, *The William and Mary Quarterly*, v. 43, n. 1, 1986, p. 20-34, <https://doi.org/10.2307/1919355>.

power, arguing that passions are there to be channelled and balanced - not suppressed - by civic virtues. For Stevens, the science of politics relies on the analogy of politics as a scientific experiment to be engaged by all equal citizens. History, especially that of the Old World, cannot be guidance for America which a modern republic with its unprecedented advantages and challenges. Active participation which underpins civic virtues in Steven's work is translated as a theoretical requisite in the process to find political knowledge.

2. Federal Farmer's Argument for Multi-Layered Sovereignty and the limited representatives of the People

In the Federal Farmer's selected letters, we see another Anti-federalist attack on the proposed federal constitution and how it assumes unrealistic homogeneity of citizenship which is the constituent for the proposed federal government. The question of nature of citizenship here is closely linked to theories of representation. The Federal Farmer, unlike most Anti-federalists, does not endorse what is broadly perceived as theory of actual representation. By agreeing with theory of virtual representation, the Federal Farmer believes that the English system is successful partly because citizens are adequately represented in various forms not only via their representative in the House of Commons. On contrary, other Anti-federalists such as John Stevens argue that if citizens of each state are already represented by their governors then the creation of federal government lacks actual constituents. Instead of making the conventionally Antifederalist criticism that the proposed new constitution assumes unrealistic homogeneity of citizenship, Smith highlights the dramatic difference in size between England and the new republic of America and argues that what has been practiced to preserve liberty in a state as small and as homogenous in terms of its citizenship as England will not work in America due to its diverse population. America requires a proper adaptation of the language of interest suitable to its heterogeneous citizenship and hence his proposition for multi-layered sovereignty.

"Letters from a Federal Farmer" are "of special importance because of their extensive distribution and widespread

readership”.³³ Although the authorship of these pamphlets is still inconclusive, the two most accepted nominations are Richard Henry Lee; Virginia's delegate to the Confederation Congress and Melancton Smith, a prominent New York Antifederalist who worked with Lee “to voice the opposition to the new plan and set forth a motion reaffirming the 13th article of the Articles of Confederation”³⁴ with later secondary literature supporting more the case for Melancton Smith.³⁵ This essay assumes that despite this ambiguity, these letters are still central to the American reception of Delolme. After all, these letters are argued to be “The best known of the Antifederalist pamphlets (they were circulated more widely at the time, in fact, than *The Federalist Papers*), they were a key resource for the Constitution's opponents. Two hundred years later they retain significance both as a valuable text for exploring the issues of the contest and as works of political thought useful in interpreting the Constitution and American politics generally.”³⁶ Furthermore, Smith is also extremely important as the person who led other antifederalists to eventually change their side and vote to accept the Constitution in New York despite the Federalists being outnumbered in the first place. Although enough other states already ratified the Constitution so that it theoretically does not matter whether New York will approve the draft or not, the New York Constitution Convention is still politically crucial due to its economic power and therefore, the debate itself is also designed to be communicative and informative to the public despite the uncontrollable result from the Convention.

Steven's writings' aspect of political representation and the argument for American unique need for a different concept of sovereignty in relation to Delolme's *Constitution of England* is a fruitful research for both the study of history of American federalism and the relationship between liberalism and modern republicanism. For the Federal Farmer or Melancton Smith, a New

³³ Joseph Kent Mcgaughy, “The Authorship of ‘The Letters from the Federal Farmer’, Revisited”, *New York History*, v. 70, n. 2, 1989, p. 153.

³⁴ *Ibid.*, p. 162.

³⁵ See Gordon Wood, Mcgaughy and Robert H. Webking.

³⁶ Robert H. Webking, “Melancton Smith and the Letters from the Federal Farmer”, *The William and Mary Quarterly*, v. 44, n. 3, 1987, p. 510, <https://www.doi.org/10.2307/1939768>.

York antifederalist, Delolme's work which accentuates the success of English liberty of the subject in its current system due to its adequate and proportional political representation; a point that Delolme does make in the Constitution but often is overlooked probably because it is not a unique feature of his delineation of English system. Nonetheless, Smith uses Delolme's renowned book, especially among the Federalists, to highlight the difference between England and America in terms of scale. Strategically, Delolme's work makes perfect argument against the new Constitution because Delolme is well-known and is highly praised by Alexander Hamilton and John Adams. The Federalist cannot argue the work's authority without risking undermining their own position. Moreover, Delolme's explanation of English representative politics is employed by Smith to emphasize the limit of political representation in large-scale states with a diverse population.

Limits of Political Representation

In his first reference to Delolme, Smith makes use of Delolme's account of English liberty as evidence that reveals a distinction between England and American states which results in their varying political theories; a dramatic difference between the sizes of the two. Stevens paraphrases and discusses in great extent the English successful story of resistance after the Norman Conquest and its consequent representation of the common would not be possible in a state as large as America if it was going to become a federal state. This claim is central to Smith's standpoint during the Ratification Convention since from the beginning, he "prefers neither a pure federal system nor a complete consolidation under which the state governments would disappear, but a system of partial consolidation",³⁷ arguing that government of such scale can never be adequately represented hence his prime objection to the Constitution. Delolme is firstly referred to in Letter VII of dated January 3, 1788, 6 months prior to the key moment at New York Ratifying Convention. Smith praises English proportional and adequate actual representation, which makes a sharp contrast to John Stevens who argues that

³⁷ *Ibid.*, p. 512.

“[...] the people of England do by no means enjoy this inestimable blessing of a representative legislature, in its fullest extent. The legislature with them is composed of three distinct independent branches, only one of which depends for its existence on the suffrages of the people; the other two possess an [sic] hereditary right to legislation [...]”³⁸ The Federal Farmer or Smith, however, strongly argues that, unlike in Rome with consuls, senators and tribunes, England and its king, lords and commons is successful in securing liberty of the subjects while maintaining the mildness of the government because “in England people have been substantially represented in many respects”.³⁹ Then the author continues to explain in detail how the Roman tribune is both proportionally inadequate to represent the people and by quality, is not distinct all that much from the patrician apart from their legal status. “These tribunes lived, felt and saw, not like the people but like the great patrician families, like senators and great offices of the state [...]”⁴⁰ This contrasting between the Roman Republic and England is also remarkably resembling Delolme’s argument from *the Constitution*. Smith, unlike Stevens, seems to endorse the idea of virtual representation which allows one to read the English system as fairly representative of various interests of different people without extensive suffrages.

At a deeper level, unlike Stevens whose main argument against both Delolme and Adams includes their underlying pessimistic account of human nature which Stevens believes give rise to the idea of balance of powers that reflect different orders of people, Smith agrees with Delolme’s sceptic account of power and human nature when he paraphrases Delolme arguing that “We may amuse ourselves with names; but the fact is, men will be governed by the motives and temptations that surround their situation. Political evils to be guarded against are in the human character, and not in the name of patrician or plebeian [sic].”⁴¹ Nonetheless, Smith puts more emphasis on the corrupting effect of power than the idea of human nature, again, remarkably similar to Delolme’s view. “Men in high public offices are in stations where they gradually lose sight of the people, and do not often

³⁸ John Stevens, *Observations on Government*, p. 37.

³⁹ *Letters from a Federal Farmer*, n. VII, 1787, p. 67.

⁴⁰ *Ibid.*, p. 69.

⁴¹ *Ibid.*

think of attending to them, except when necessary to answer private purposes.”⁴² Right after this claim and with the help of Delolme, Smith then proceeds to the heart of this letter; to argue for multi-layered sovereignty for what is about to become United States of America.

There are two points worth pointing out here about this passage by the Federal Farmer. Firstly, this last part of the letter agrees with the theory that Melancton Smith, from the beginning, seeks for a compromise between a strong central federal government and the autonomy of state governments as Webking indicates in his 1967 article.⁴³ His intention was not to reject the Constitution unconditionally but to make sure that the Constitution gets amended to give more power to state constitutions later. Secondly, Delolme’s *Constitution* and its story of the successful English liberty functions to justify different political theory for the United States. The two points are related in the way that, for Smith, the problem of representation in America leads to the necessity of multi-layered sovereignty for a large-scale state and a new kind of republic suitable for modern states and the language of national interest which alleviates the inadequacy of the old-fashioned civic virtues in modern states.

Instead of rejecting Delolme’s work as historically incorrect like Stevens does, Smith chooses another tactic of vindicating how “We [the Americans] are not like the people of England, one people compactly settled on a small island, with a great city filled with frugal merchants, serving as a common centre of liberty and union: we are dispersed, and it is impracticable for any but the few to assemble in one place: the few must be watched, checked, and often resisted [...]”⁴⁴ Melancton Smith accepts the inevitability of some forms of federal government which cannot be legitimate. His hope is to come up with a kind of consolidation between the federal and the state power as he explains that

The body of the people must have this true representative security placed some where in the Nation; and in the United

⁴² *Ibid.*

⁴³ Robert H. Webking, “Melancton Smith and the Letters from the Federal Farmer”, p. 510-528.

⁴⁴ *Letters from a Federal Farmer*, p. 70.

States, or in any extended empire, I am fully persuaded can be placed no where, but in the forms of a federal republic, where we can divide and place it in several state or district legislatures, giving the people in these the means of opposing heavy internal taxes and oppressive measures in the proper stages.⁴⁵

Despite his initial approval of the proposed federal state constitution, Smith later comes to the conclusion that although it is not ideal, it is also inevitable. Smith then proposes that the new state should, in Hume's word, govern by interest. "In free governments the people, or their representatives, make laws; their execution is principally the effect of voluntary consent and aid; the people respect the magistrate, follow their private pursuits, and enjoy the fruits of their labour with very small deductions for the public use."⁴⁶ For Smith, a small republic like that of the ancient Rome is not intrinsically better than America as its modern counterpart. However, it is the scale of America which renders civic virtues ineffective hence the need for self-interest driven politics as a remedy. However, this is not to argue that previous study on the Anti-federalist is wrong to label them as showing "dread of modernity."⁴⁷ In fact, both the Anti-federalist and the Federalist agree that they are building a modern republic. They, nonetheless, disagree on which lessons and principles inherited from civic republicanism are still relevant or which to be adapted to new conditions. For Smith, Delolme's *Constitution* not only proves significant distinction between England and America as a state but also contributes to Smith's imagination of modern liberty and constitutionalism. In defining modern liberty as equal legal protection of every citizen, Delolme helps pave Smith way to define modern American constitutionalism and its connotation for citizenship;

The Bill of Rights (1791) was at the centre of this constitutional design. The antifederalists including Smith, believe that the new Constitution is inadequate in terms of protecting individual rights including their legal protection from abuse of

⁴⁵ *Ibid.*, p. 70.

⁴⁶ Herbert J. Storing, *The Complete Anti-Federalist*, Chicago, University of Chicago Press, 1981, v. 2, p. 264.

⁴⁷ Richard C. Sinopoli, *The Foundations of American Citizenship: Liberalism, the Constitution, and Civic Virtue*, Oxford, Oxford University Press, 1992, p. 150, <https://books.google.co.uk/books?id=oZ14NOO06LYC>.

power when faces trial. The Bill of Right therefore is necessary to amend this flaw especially with the 4th and the 5th Amendment which prohibit unreasonable search and seizure, cruel and unusual punishment, compelled self-incrimination and deprivation of life, liberty, or property, without due process of law. In Letter XVI dated January 20th, 1788, the Federal Farmer discusses necessity of a bill of rights for the new Constitution giving weight on liberty of the citizen and legal protection, using Delolme's *Constitution of England* as a central authority to make his claim. This reflexive measure which the constitution takes to prevent the government from violating its own citizens can be seen in the light of scepticism against the to-be founded federal government. The Bill of Rights can be read as a kind of modern interpretation of civic republican citizen militia (which, of course, also famously interpreted as the Second Amendment or the right to bear arms).

This claim is interesting especially in comparison with Alexander Hamilton's Federalist Paper No. 70 that advocates strong and unitary executive power, quoting Delolme's argument that English liberty is successful due to the nature of its executive power that is able to counterbalance the power of the nobility and the commoners. Smith, on the other hand, argues that "Gentlemen who oppose a federal bill of rights, or further declaratory articles, seem to view the subject in a very narrow imperfect manner. These have for their objects, not only the enumeration of the rights reserved, but principally explain the general powers delegated in certain material points, and to refrain those who exercise them by fixed known boundaries."⁴⁸ For Smith, it is the limitation of power is the heart of this kind of bills including not only the American Bills of Rights but also the previous example of Habeas Corpus as he suggests that "Perhaps it would be better to enumerate particular rights the people entitled to in these proceedings, as has been done in many of the [American] states, and as has been done in England."⁴⁹ For the importance of the enumeration of these legal protections as rights, Smith refers to Delolme as a figure of authority. "A celebrated writer observes upon this last article,⁵⁰ that

⁴⁸ *Ibid.*, p. 146.

⁴⁹ Richard C. Sinopoli, *The Foundations of American Citizenship*, p. 149.

⁵⁰ "[...] that no person shall be exiled or molested in his person or effects or otherwise than by the judgement of his peers, or according to the law of the land" (*Ibid.*).

in itself it may he said to comprehend the whole end of a political society.”⁵¹ Here Smith refers to Delolme’s definition of liberty as legal protection of a person and equality before the law which deems to be the purpose of political organisation. From this definition of liberty as legal protection of the citizens in various aspects, Smith further relies on Delolme in clarifying his points about the necessity of a bill of rights.

From the issue of limitation of federal government’s control over military power to freedom of the press, Smith gives details of what liberty of the subject for Delolme or freedom, in his own words, means in real term. To demonstrate the lack of limitation of the federal control over military power, Smith explains how “The constitution will give congress general powers to raise and support armies. General powers carry with them incidental ones; and the means necessary to the end. In the exercise of the powers, is there any provision in the constitution to prevent the quartering of soldiers on the inhabitants? you will answer, that is not.”⁵² This again echoes of Delolme’s concern about military power and how to control it, in the case of the English, by civil power. Nonetheless, Smith here raises a different worry for the American context and its then federal government in-the-making. Smith then gives an example of the contradiction between individual liberty and conscription from “general government” or federal government. Here Smith echoes the civic republican preference of citizen militia over standing army since the latter can be easily turned, by the order of the ruling power, against the citizens. Furthermore, for Smith, the ratification of the Constitution implicitly gives power to the federal government to deal with the issue, overriding whatever customs and practices that might have been used by state constitutions. Although this is issue not of an immediate threat, Smith then refers to Delolme arguing that “An excellent writer, observes that the English, always in possession of their freedom, are frequently unmindful of the value of it: we, at this period, do not seem to be so well off, having, in some instances abused ours [...]”⁵³

⁵¹ *Ibid.*

⁵² *Ibid.*, p. 151.

⁵³ *Ibid.*

Smith's later reference to Delolme is another suggestion on content of the Bill of Rights and that it should cover freedom of the press and the contemporary government tax on it. For Smith, newspapers and pamphlets have proved themselves to be important channel of communication especially in large countries enabling people with the same concerns to unite against improper measures issued by the rulers. "A celebrated writer I have several times quoted, speaking in high terms of the English liberties, says, 'lastly the key stone was put to the arch of, by the final establishment of the freedom of the press'."⁵⁴ In this regard, Smith disagrees with civic republican and the associated infamous advocating of censorship including to that of the press and assumes more relevance of the English liberty of the press.

In his last selected reception of Delolme in the Antifederalist Paper No. 57 titled "Will the House of Representatives be Genuinely Representative? (Part III)", the Federal Farmer discusses at length the limit of political representation in large-scaled political entity. Highlighting the problem of "aristocracy" (or elitism in our contemporary language) that representative mechanism risks facing. "On the whole it appears to me to be almost a self-evident position, that when we call on thirty or forty thousand inhabitants to unite in giving their votes for one man it will be uniformly impracticable for them to unite in any men, except those few who have become eminent for their civil or military rank, or their popular legal abilities."⁵⁵ Smith then argues that the popularity of the proposed Constitution along with its representative mechanism among "respectable men" is due to their private advantages.⁵⁶

⁵⁴ *Ibid.*, p. 153.

⁵⁵ *Antifederalist Papers*, n. 57, p. 2.

⁵⁶ Smith makes a comment on the Federalist's position that "Many of our gentlemen are attached to the principles of monarchy and aristocracy; they have an aversion to democratic republics. The body of the people have acquired large powers and substantial influence by the revolution. In the unsettled state of things, their numerous representatives, in some instances, misused their powers, and have induced many good men suddenly to adopt ideas unfavourable to such republics, and which ideas they will discard on reflection. Without scrutinizing into the particulars of the proposed system, we immediately perceive that its general tendency is to collect the powers of government, now in the body of the people in reality, and to place them in the higher orders and fewer hands; no wonder then that all those of and about these orders are attached to it. They feel there is something in this system

Smith also makes a direct attack to the federalist accusing them of trying to hold on to their power and deny the hard won power of the people. The creation of a federal state according to the new Constitution, despite being a response to challenges that the confederation encountered including too many state representations, is like going from one extreme to another “without examining a medium”. Nonetheless, Smith acknowledges that there is no other alternatives for a state as large as one America is going to be. He therefore proposes to that each state should have proportional and as many representatives as possible to minimize the elitist tendency and to allow more people with less political and economic power to become a representative. “[...] it is asked how shall we remedy the evil, so as to complete and perpetuate the temple of equal laws and equal liberty? Perhaps we never can do it. Possibly we never may be able to do it in this immense country, under any one system of laws however modified. Nevertheless, at present, I think the experiment worth making.” This passage foreshadows Smith’s historic backpedalling during the New York Constitutional Convention where despite his antifederalist background; he voted for unconditional ratifying the Constitution and persuaded other antifederalists to do so resulting in federalist victory in New York. At the end of this short pamphlet, Smith refers to Delolme again as an authoritative figure whose wisdom is acknowledged among the American patriots but, again, could not be taken as face value due to the difference between America and England as a state. “I feel an aversion to the disunion of the states, and to separate confederacies; the states have fought and bled in a common cause, and great dangers too may attend these confederacies. I think the system proposed capable of very considerable degrees of perfection, if we pursue first principles. I do not think that De Lolme, or any writer I have seen, has sufficiently pursued the proper inquiries and efficient means for making representation and balances in government more perfect. It is our task to do this in America.”⁵⁷

advantageous to them. On the other hand, the body of the people evidently feel there is something wrong and disadvantageous to them” (*Ibid.*).

⁵⁷ *Ibid.*

Smith's reception of Delolme reveals how the Antifederalist also makes use of language of private interest and shares most concerns of with the Federalists namely suitable political representation. Moreover, Smith's idea of citizenship also takes into account how the new republic requires legal protection from the new federal government. However, Smith also shares civic republic scepticism of a standing army that is under the control of the central government and prefers a citizen militia. Smith's eventual accepted the proposed federal constitution and, in consequence, creating an unprecedented multi-layered sovereignty. This proposed new model of sovereignty also calls for a new definition of republican citizenship which requires new methods of keeping check on the federal government including its enshrined rights in the constitution.

3. Alexander Hamilton's Federalist Paper No. 70 and republican jealousy of executive power

For the Antifederalist, the strong executive power lodged in the person of the president is a betrayal to what they have fought for during the War of Independence. Furthermore, "In the context of conventional eighteenth-century thought the Constitution obviously represented a reinforcement of 'energy' at the expense of 'liberty'".⁵⁸ In the previous Antifederalists works, one can see the reapplication of the Whig radicalism language to attack the monarchy being employed by the Antifederalist to attack the new Constitution. The Federalist Papers are responses to those attacks and while there are various accusations against the new Constitution, one of the most serious ones is that the strong executive power that is to be lodged in the hand of the president is nothing but a concealment of the powerful monarchical power similar to the British monarch. The issue of overpowering executive power is therefore directly a threat to liberty for those who endorse civic virtues and republican liberty.

The Federalist Papers No. 67-77 are dedicated to American presidential power and the nature of executive power in general. Or to be more precise, they are devoted to opposing the claim that

⁵⁸ Gordon S. Wood, *The Creation of the American Republic, 1776-1787*, Chapel Hill, University of North Carolina Press, 1969, p. 523.

the presidential power is to be equated with that of the British monarch. This accusation has emerged after the war of independence as seen in Edmund Randolph's response to James Wilson's proposing unitary executive power for American president, arguing that it will result in "the foetus of monarchy".⁵⁹ In the Federalist Paper No. 67 titled "Concerning the constitution of the president: a gross attempt to misrepresent this plan of the plan detected", Alexander Hamilton writes against the antifederalists who "misrepresent" the nature of American presidency by comparing it to a British monarch. By "Calculating upon the aversion of the people to monarchy, they have endeavoured to enlist all their jealousies and apprehensions in opposition to the intended president of the United States; not merely as the embryo, but as the full grown progeny of that detested parent."⁶⁰ For the federalists, this scepticism of the British monarchy and its system of government is conflated with distrust on the nature of executive power itself. Federalist Papers No. 68-69 then are devoted to debunking, for example, discussing the difference between the modes of appointment of the president of the United States according to the new Constitution and the hereditary nature of the crown in detail. For Hamilton, "It is impossible not to bestow the imputation of deliberate imposture and deception upon the gross pretence of a similitude between a king of Great Britain, and a magistrate of the character marked out for that of the president of the United States. It is still more impossible to withhold that imputation, from the rash and barefaced expedients which have been employed to give success to the attempted imposition."

As well as John Adams in his *A Defence*, Hamilton refers to Delolme to support his argument for a strong and unitary executive power. The Federalist Paper No. 70 begins with a comment on republicanism and its opposition to a strong and singular executive power. "There is an idea, which is not without its advocates, that a vigorous executive is inconsistent with the genius of republican government. The enlightened well-wishers to this species of government must at least hope, that the supposition is destitute of foundation since they can never admit its truth,

⁵⁹ Max Ferrand (ed.), *The Records of the Federal Convention of 1787*, New Haven, 1911, v. 1, p. 65.

⁶⁰ Alexander Hamilton, *The Federalist Paper*, n. 67.

without, at the same time, admitting the condemnation of their own principles.” The rest of the paper is Hamilton’s clarification of why strong and unitary executive power is consistent with what he calls security in the republican sense which he defines as “due dependence on the people; a due responsibility”. Here Hamilton attempts to argue that a strong and unitary executive power renders itself easier to be checked hence its benefit to modern liberty of the citizens. Not only that it does not hinder direct active participation requisite for civic virtues, it also facilitates the process by concretizing the executive power into the person of the president.

Moreover, for the nature of executive power, he argues that “A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution: and a government ill executed, whatever it may be in theory, must be, in practice, a bad government.” Nonetheless, Hamilton is not seeking to emulate the British executive power in the person of the king as he already makes clear. For him, “The experience of other nations will afford little instruction on this head. As far, however, as it teaches any thing, it teaches us not to be enamoured of plurality in the executive.” Hamilton contends plurality of executive power renders accountability difficult⁶¹ and gives rise to contestation for power between political groups; arguments similar to those of Delolme in *the Constitution* hence Hamilton’s rejection of the proposition that a president should have a council with binding advice; a model which some of the states have already adopted. He also makes a sharp contrast between America and England where one with a monarch as an executive needs a council. “Nothing, therefore, can be wiser in that kingdom, than to annex to the king a constitutional council, who may be responsible to the nation for the advice they give. Without this, there would be no responsibility whatever in the executive department.” Hamilton tactfully reaffirms his position that America and England are two different kinds of states especially concerning the nature of their executive power before he proceeds to make his most important point; that the scepticism towards the

⁶¹ “[...] one of the weightiest objections to a plurality in the executive, and which lies as much against the last as the first plan, is, that it tends to conceal faults, and destroy responsibility” (*Ibid.*).

idea of unitary executive power is a misplaced civic republican perspective.

The idea of a council to the executive, which has so generally obtained in the state constitutions, has been derived from that maxim of republican jealousy which considers power as safer in the hands of a number of men, than of a single man. If the maxim should be admitted to be applicable to the case, I should contend, that the advantage on that side would not counterbalance the numerous disadvantages on the opposite side. But I do not think the rule at all applicable to the executive power.

Hamilton tries his best to avoid being labelled anti-republican by suggesting that it is a republican scepticism that leads to some people's distrust of unitary executive power; especially when he is going to quote one English and another famous Anglophile like Delolme. He then, proceeds; "I clearly concur in opinion in this particular with a writer whom the celebrated Junius⁶² pronounces to be 'deep, solid, and ingenious,' that 'the executive power is more easily confined when it is one:' that it is far more safe there should be a single object for the jealousy and watchfulness of the people; in a word, that all multiplication of the executive, is rather dangerous than friendly to liberty." Hamilton here attempts to distinguish between what Delolme calls principles of politics; general arguments that can be made about nature of e.g. political power which America can learn from political thinkers of the old world, and America's unique conditions because it is a new political entity, radically different from all that has been tried on the other side of the Atlantic.

However, it is not so much the details of both Hamilton and Adams' propositions of how the executive power should be organised, as the fact that the topic itself has been brought up at all. The political history of the Old World provides ample advice on threat of the executive power to liberty and various schemes to limit it. Delolme is one of the few who introduces a new kind of modern liberty of which most dangerous threat is the legislative

⁶² An English pamphleteer whose identity remains unclear. Junius refers to Delolme approvingly concerning his advocating of strong and unitary executive power. See "Who Was Junius?: Notes and Observations upon the Letters of Junius", *LSE Selected Pamphlets*, 1837.

power, not the executive. For David Wootton, “The states had provided plenty of evidence of the danger of overpowerful legislatures in the years following the Revolution; but it was de Lolme who had first formulated a constitutional solution to the problem.”⁶³

In conclusion, by proving that unitary and strong executive power is beneficial to modern republican liberty, Hamilton, with the help of Delolme’s *Constitution* also highlights the importance of constitutional design to tackle the new threat of legislative tyranny which becomes explicit during American colonial experience. Direct active participation which used to ensure civic virtues is no longer adequate for a modern republic with multi-layered sovereignty of the federal and the state constitutions. In England among the Whig historians, the executive power is always perceived as a threat to the liberty of the subject but Delolme as well as the Federalist indicate how after the Whig supremacy after 1714 gave rise to a specifically modern threat of legislative power. There is a faction in America, including James Wilson, who makes it clear that it is the corrupting British parliament that is responsible for unjust taxation initiated in the colony, not the British monarch.⁶⁴ In accepting modern representative mechanism with the House of Commons or the Lower House to represent the citizens, active participation required by civic virtues is still relevant but not the sole method to keep the governing powers checked. In this light of legislative tyranny, executive power is seen as another nominated power derived from the people to counterbalance the legislative and becomes another requirement for a healthy republic.

⁶³ David Wootton, *The Essentials of The Federalist and the Antifederalist Papers*, p. 35.

⁶⁴ See Eric Nelson’s chapter titled “All know that a Single Magistrate is not a King” in *The Royalist Revolution*, Harvard University Press, 2014, p. 184.