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# *Liberty's Aristocratic Roots And Modern Democracy*

**Chris Woltermann**

The passion for absolutism is, inevitably, in conspiracy with the passion for equality.<sup>1</sup>

—*Bertrand de Jouvenel*

Only three things matter to Caesarism. First, that those who are oldest in liberty . . . should lose their moral credit and become incapable of imparting to those who enter on the heritage of this liberty a pride of personal status embarrassing to Power . . . . The second factor . . . is that a new class of capitalists should arise without moral authority . . . . Lastly, there is the third element, which is the union of political strength with social weakness in a large dependent class. (P, 335)

—*Bertrand de Jouvenel*

There is a widespread belief that liberty, liberalism, and democracy entail one another. According to this belief, any liberal social order has an ineluctable tendency for individual liberty to find political expression in the style of elective, representative government nowadays known as democracy; likewise, it is thought, democracy fulfills its promise only by taking form as liberal democracy. Propositions such as these are the stock in trade of many strident optimists—ubiquitous in academia, journalism, and government—who foresee

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<sup>1</sup> Bertrand de Jouvenel, *On Power: Its Nature and the History of its Growth*, J. F. Huntington, trans. (New York: The Viking Press, 1949), 177; hereinafter cited in the text as "P."

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the maturation of “emerging democracies” in the aftermath of communism, apartheid, and sundry military dictatorships. Yet, depending on the meanings of the terms involved, liberty and liberalism can be incompatible with democracy and with each other. The hostility between traditional liberalism and democracy parallels the centuries-old struggle between classical liberty and traditional liberalism. Conversely, though, contemporary liberalism and democracy are compatible. My objective in this essay is to clarify these and cognate relations. Since classical liberty has nuances which today are easily misunderstood, I devote particular attention to it. Although it is of ancient origin, its appeal is timeless; it is, moreover, repeatedly being reborn in modern guises which belie its historical antecedents.

*Liberty, liberalism, and democracy not coextensive.*

A brief overview of the various meanings of liberty and liberalism is in order. Contemporary liberalism seeks to further its version of liberty by having government progressively liberate individuals from assorted disabilities. While some such disabilities result from so-called “victimization,” others are merely barriers to opportunity caused by physical handicaps, innate stupidity, accidents, poverty, etc. Understanding liberty as the ever enhanceable capacity to make effective choices, contemporary liberalism is social activism allied with government to remove disabilities and thereby “empower” individuals. Traditional liberalism eschews activism and instead supports a liberty, posited to inhere in individuals, which is most secure when government performs a minimal function of protecting life and property. Here, too, liberty is the capacity to make effective choices, but governmental activity is seen to restrict it. Far different is classical liberty, for which there is no corresponding concept of liberalism, but which prevailed in ancient Greece and Rome, as well as medieval feudal Europe. Classical liberty marks a man with both a special dignity and, historically at least, an exalted legal status pursuant to which “he is his own judge of his obligations, when none but himself compels him to fulfill them. A man is free when he acts *sponte sua*, spontaneously, as the executor of a judgement passed *in foro interno*, in the forum of his own conscience.”<sup>2</sup>

*Liberalism contrasted with classical liberty.*

In what follows, I am heavily and perhaps overly indebted to the thought of Bertrand de Jouvenel (1903-87), a French political scientist and historically oriented *homme de lettres*. His observations on

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<sup>2</sup> Bertrand de Jouvenel, *Sovereignty: An Inquiry into the Political Good*, J.F. Huntington, trans. (Chicago: The University of Chicago Press, 1972), 262; hereinafter cited in the text as “S.”

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the several types of liberty are the most profound known to me. Referring frequently to his writings, I seek to build upon them, filling in lacunae and resolving equivocations, but also recognizing some perhaps necessary ambiguities upon which discussions of this nature seem to devolve.

*The origin  
and growth  
of "Power."*

De Jouvenel's central concern is the origin and growth of what he terms "Power" (nearly always capitalized) or "*l'ensemble des elements gouvernementaux*," the central governmental authority. The underside of Power's growth is the incremental erosion of the original liberty "found among the most ancient groupings of the Indo-European people known to us." (P, 319) This primordial or, as I call it, classical liberty was long an attribute only of male members of well-defined, warlike and aristocratic castes, the nobility of the sword. Examples of such castes were the Greek eupatrids, the Roman patricians, and the European feudal aristocracy. Every successful effort to generalize their condition in broader society, argues de Jouvenel, has diminished liberty's substance and, not coincidentally, augmented Power. Thus, compared to "the ancient society of that Middle Age from which we are descended," (P, 218) our modern societies have both powerful governments and a sorely restricted liberty afforded to all.

The foregoing arbitrary and, for now, unavoidably simplistic synopsis of the theory of history should not be taken to characterize de Jouvenel as a reactionary crank. In fact, he is a progressive, albeit an extraordinarily sullen one, in this respect in the pessimistic tradition of Rousseau and Nietzsche. De Jouvenel recognizes the anarchic and oppressive character of historical aristocracies; he admits that governments have done much good by establishing domestic tranquility, freeing people from elitist oppression, and promoting industry, commerce, and the arts. Acknowledging modern expectations of beneficent government, he denies posing as "an enemy of the growth of Power and of the distention of the state." (P, 12)<sup>3</sup> He insists, however, that statist progress occurs at the expense of liberty. He also maintains that we can understand modern mass democracies only by appreciating how they repudiate an earlier reality, what he calls "liberty's aristocratic roots." (P, 317-36)<sup>4</sup>

It is a great irony of the 1980s and 1990s that the citizens of the

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<sup>3</sup> For further evidence of progressive sentiments, see *Power*, 6, 97, 158-60, 236, and *Sovereignty*, 295-304.

<sup>4</sup> "Liberty's Aristocratic Roots" is the title of chap. xvii.

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Western democracies grow increasingly disillusioned with the efficacy of their political participation even as they urge foreigners outside the West to democratize their politics. The disillusionment, if not the often nervous efforts to proselytize others, is without guile. Western voters routinely complain that their voting has become meaningless, that they merely receive the opportunity superficially to decide important issues only after some shadowy elite has made its binding decisions. An empirical political science must recognize these complaints as a validation of Aristotle's distinction between a *polis* small enough to govern itself and a large *ethnos* that must be governed.<sup>5</sup> The larger a population with self-governing pretensions is, the more general, simplified, and structured must be the questions on which "the people" are to decide. Power resides with those who do the generalizing, simplifying, and structuring, all with the assistance of such "facilitators" as "spin doctors" and "sound-bite managers." Voters rightly perceive that they no longer govern themselves, but rather *are governed*.

*Contemporary self-government a fiction.*

This appraisal of the West's "mature" democracies accords perfectly with de Jouvenel's more elegantly expressed interpretation of modern democracy as a regime of purely nominal popular sovereignty behind which abides oligarchical rule. Although elections to give, in de Jouvenel's phrase, "a periodical mass-impulsion" (P, 317) to government are important, they are intermittent events which do not contravene democracy's continuous character as domination by professional politicians and unelected administrators. Democratic mythology notwithstanding, "there are no institutions on earth which enable each separate person to have a hand in the exercise of Power, for Power is command, and everyone cannot command." (P, 256) People experience democracy as distended government:

It comes to this: that the "Power of the people," so called, is in fact linked to the people only by an extremely slack umbilical cord—general elections; it is, to all intents and purposes, a "Power over the people," and Power which is all the greater for getting its authorization from this cord. (P, 260)

A democratic government wields a sovereignty far more intrusive than that of any putatively absolute seventeenth-century monarch. The new sovereignty became operative by "destroying in the name of *the mass*, . . . though its existence was only a fiction, the various *groups*, whose life was a reality." (P, 294, emphasis in origi-

*Democratic absolutism.*

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<sup>5</sup> Aristotle, *The Politics*, VII, 4, 1326b.

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nal) Thus, the people, who had been regarded merely as individuals and their groups, are now seen as an entity, “a hypostatized *We*,” (P, 48, emphasis in original) under whose patent government arranges for there to be a “character of uncertainty stamped on every interest.” (P, 309) The properties and rights of individuals and groups have become society’s resources. Some of these are either to be redistributed as “social grants” (S, 255) or used for such collective purposes as war,<sup>6</sup> space exploration, environmental protection, etc. Adding insult to injury, democracy treats even *residual* properties and rights as conditional distributions.

“Unceasing war has been waged,” writes de Jouvenel, “between the interest calling itself general and interests avowing themselves private.” (P, 236) The former, of course, is government’s interest. Inveighing against its majoritarian aura in a democracy, de Jouvenel notes that unlike “a Power which is of a minority character,” e.g., a monarchy, “a majority Power can proceed to absolutism itself; such an absolutism reveals, by its mere existence, the lie in such a Power’s soul—though it styles itself ‘people,’ it has never ceased to be Power.” (P, 301)

There is an obvious synergy between de Jouvenel’s perspective on liberty and his understanding of democracy. It may be argued, however, that he not only sets up a democratic straw man, but also fails to appreciate *liberal* democracy. This system, based on the liberal principles of private property, civil autonomy, limited government, and political pluralism, would appear to be much better than de Jouvenel supposes. But is it?

Aside from the oxymoron of enforcing liberal institutions where supportive cultural antecedents are absent (a major issue in Africa and Asia), the very idea of liberal democracy is deceptive. Careful attention to statements by democratic enthusiasts leads to no other conclusion. True, there is nothing overtly sinister in publisher Rupert Murdoch’s claim, made as he delivered the Manhattan Institute’s Wriston lecture in 1989, that a global movement is underway toward “free speech, free elections, free markets,” toward, in other words, “modernization” or “Americanization. . . , the Ameri-

*Contradictions of liberal democracy.*

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<sup>6</sup> In 1991 the American government exercised its sovereign right of war in the Middle East. Immense “social resources” were employed in the war. They were later employed in Somalia and will undoubtedly be applied to domestic social programs as governmental involvement in the lives of individuals and groups proceeds apace.

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can way of organizing society.”<sup>7</sup> Inevitably, however, this movement requires powerful governments to foster, in George Will’s words, “liberal materialism,” that is, “the enjoyment of private consumption and welfare-state services.”<sup>8</sup> Governments, moreover, seek to perfect the welfare state by using examples and incentives, not to mention coercive measures, to promulgate “politically correct” attitudes. As George McGovern argued during his 1972 presidential campaign, government should stimulate, for example, compassion and racial tolerance.

Murdoch’s “Americanization” everywhere favors the tenets of social democracy and liberation theology to the detriment of traditional liberalism. Despite rhetoric about “free enterprise,” there is to remain, as Paul Gottfried grumbles, “just enough capitalism to provide for general prosperity.”<sup>9</sup> The entire development, says de Jouvenel, suits the aspirations of modern men:

The desire of their hearts is social security. Their rulers, or those who hope to become their rulers, feel no doubt that science now enables them to condition the minds and bodies of men, to fit each single person into his proper niche in society, and to ensure the happiness of all by the interlocking functions of each. (P, 12-13)

But where in all this is liberty? And what, after all, *is* liberty?

Arguably the most famous philosophical statement about liberty is one by Rousseau in his *The Social Contract*, viz., “Man was born free and is everywhere in chains.” Discussing this passage, de Jouvenel stresses the duality implicit in the metaphor of enchainment. By restricting movement, chains impede liberty understood as personal power; by shaming him who wears them, chains undermine liberty interpreted as dignity. (S, 247) The elements of power and dignity recur in every conceivable version of liberty. During recent centuries, however, dignity has become relatively unimportant. Today, now that liberty is treated as everyman’s birthright, it is something “common” to which no special dignity or pride can attach.

More complex than it initially appears, Rousseau’s metaphor of

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<sup>7</sup> Rupert Murdoch, “Notable & Quotable” column, *The Wall Street Journal*, December 2, 1989, A22.

<sup>8</sup> George Will, “Europe Striving for a Unity Never Realized in the Past,” *Springfield (Ohio) News-Sun*, November 26, 1989, 7A. In this article, Will is ostensibly critical of “liberal materialism”; he is, however, typically supportive of what the phrase denotes.

<sup>9</sup> Paul Gottfried, “Quis Judicabit?” *Chronicles* (February 1990), 17.

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*Liberty and  
dignity.*

enchainment discredits the first half of his statement. Dignity denotes honor merited by behavior worthy of it. Simple birth, therefore, has never conferred liberty's dignity on any man, let alone "man" taken generically. History attests that liberty was originally an achievement, an elite status attained and defended—or defended only, if it had been inherited in trust—by men who were capable of asserting it. So says de Jouvenel in two precise explanations:

Viewed historically, liberty had been a status, acquired not without a struggle by certain men, maintained by an energetic defence, and guaranteed by privileges extorted from authority. (P, 255)

And

Unlike man in a state of nature, the freeman is not a philosopher's dream, but actually existed in those societies which Power had not invaded. It is from him that we derive our notion of individual rights. All we have forgotten is how they were hedged around and defended. We have become so inured to Power that we have now come to regard our liberties as held in grant from it. But viewed historically, the right to liberty was not an act of generosity on the part of Power: its birth was of another kind. And the chief clash with our modern ideas lies in this: that in the past this right was not of general extent, based on the hypothesis that there was in each man a dignity which Power had on principle to respect. It was the personal right of certain men, the fruit of a dignity to which they had enforced respect. Liberty was an achievement, which won the name of subjective right by self-assertion. (P, 319)

*The origins  
of liberty.*

Liberty seems to have originated in prehistory with the appearance of war and warriors. Bellicose men invented liberty, together with slavery, by establishing themselves as the first freemen, in contrast to whom all others were either their slaves or the partly free. Examples of the several categories in Sparta were the noble eupatrids, the enslaved Helots, and the partly free "dwellers-round." The coming of the warrior, whether from within a people's ranks or from the outside, did *not* abrogate a pristine liberty often alleged to have existed in primitive societies. So unfree were primitive peoples that, in fact, even minute details of life were controlled by religious mandates overseen by priestly authorities. Change arrived with warriors, the earliest parvenus, whose martial exploits brought them wealth (at first, mainly slaves) and prestige, thereby enabling them to supplant the old order. Warrior-lords, the masters of those whom they held in subjugation, either demeaned or be-

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came priests; the liberty of an armed and exclusively male aristocracy broke the pattern of religious regimentation.<sup>10</sup>

Regardless of liberty's precise origin, and despite the status of the partly free, full liberty was long inseparable from the martial vocation. The German language preserves the connection between liberty and the warrior. A *Freiherr* is not only a free lord, the literal meaning, but also a baron or knight, a man who bears arms and uses them to maintain his social position.

Noblemen have always and everywhere jealously guarded the right to bear arms as their exclusive privilege; it was the mark as well as the means of their status. Thus, de Jouvenel errs when he once casually describes war as the aristocratic "business." (P, 143) Nothing like a business, which, by definition, would have been ignoble, war was the aristocratic calling and way of life. The history of the feudal nobility before its decline was the history of war and preparations for it. The wars were among the barons themselves (these were the numerous private wars), against kings, against foreigners, and to hold serfs in check.

Exemplifying classical liberty in action, the typical feudal war utilized relatively few of the ostensibly available resources. The personnel for war consisted of the barons themselves; the materiel was their property. A king, then, could wage war only if at least some barons brought their persons and equipment to form the royal army. Persons without liberty, the common people, usually played little part in waging war. The situation differed from our own. Regular taxation and conscription—practices unknown to feudalism and, as for conscription, quite exceptional before the French Revolution (P, 4-8; see also 127-28)—now enable Power to treat the general population as war's "human potential," in Franklin Roosevelt's memorable phrase.

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<sup>10</sup> The ideas in the above paragraph derive principally from de Jouvenel's chapter "The Coming of the Warrior," *Power*, 76-91. De Jouvenel cites an abundance of historical and anthropological studies to make his case. It would be unfair to take his comments out of context and charge him with "male chauvinism." He is well versed in the classical literature of writers, e.g., Lafitau and Bachofen, who described the matriarchal organization of some primitive peoples. Acknowledging great diversity in customs before the coming of the warrior, de Jouvenel only insists that patriarchally organized societies were the efficient causes of social change: "What is certain is that those [societies] which . . . were the first to be organized patriarchally, which were the least inclined to people the universe with evil purposes or freed themselves soonest from these fears, come before us as the real founders of states and as the truly historical societies." *Power*, 77.



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Habituation to liberty gave aristocrats a definitive character. One of its important aspects was the enjoyment of aristocratic equality. The Spartan eupatrids, for instance, called themselves “the ‘Equals’ . . . for their desire [was] to be equal with one another and with nobody else.” (P, 88) Similarly, a poor medieval knight, though he might be a minor vassal of someone far removed from royalty, was an equal of great lords because of his baronial status. Vassalage, unlike serfdom, was a thoroughly honorable condition not inimical to liberty. “Too much can be and is made of the gap between great magnates and mere knights,” comments R. Allen Brown, “but all great men were knights, which meant that knighthood brought social elevation as well as membership of a military elite.”<sup>11</sup>

Aristocracies perpetuated a rough equality and, likewise, molded the totality of the aristocratic character by bestowing a severe and meticulously crafted education upon their male children. An expression of love, such education was training in the ways of liberty and had as its goal the creation of self-disciplined, virile personalities. For the Romans, it

*Aristocratic education.*

implied no estimate of the nature of man as such. Speculations of that kind made their appearance only when Greek civilization was in decline, and came to Rome as an importation from abroad.

Reliance was placed on the observable fact that men—men, that is to say, of a certain class—in virtue of acquired characteristics which could be maintained in vigor, behaved for all practical purposes in [a] particular way. With them, and for them, the system of liberty was workable. (P, 322)

As a system, or collective way of life, liberty was based on the realities denoted by “three words: responsibility, ritual, and folkways.” (P, 320) Education served these ends and inculcated them, not as a second nature, but truly as the first nature in boys and young men. Similarly, education taught the martial arts and instilled specifically martial values, among them, writes Zoé Oldenbourg, “a mystique of war” and an “exaltation of strength, courage, and vital energy.”<sup>12</sup> The virtues taught also included, in Max Scheler’s words, “readiness to sacrifice, daring, high-mindedness, vitality, desire for conquest, indifference to material goods, patriotism, loyalty to one’s family, tribe, and sovereign, power to rule and reign, humility, etc.”<sup>13</sup> Inured to be humble before their fathers’

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<sup>11</sup> R. Allen Brown, *The Normans* (New York: St. Martin’s Press, 1984), 32.

<sup>12</sup> Zoé Oldenbourg, *The Crusades*, Anne Carter, trans. (New York: Pantheon

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customs (for the Romans, the *mos maiorum*), young men developed as proud aristocrats who, it was expected, “would use their liberty in a certain way.” (P, 321, emphasis in the original)

Liberty construed as freedom to act in a particular fashion, i.e., in the manner that the educated aristocrat deemed fitting and proper, was consistent with a high degree of individualism. The Roman patrician of the royal period and well into the Republican era was free to do virtually anything:

All might be done, the sale of a son or the substitution for him in the inheritance of a stranger in blood, but the necessary ritual had to be observed. At the height of Republican Rome this ritual was strict in the extreme; and brought it home to men that their decisions and acts were grave and solemn things. It gave to their steps a measured and majestic gait. (P, 321)

Again, *all might be done*, subject only to both public reproach for violations of ritual and unconditional responsibility for the consequences of one’s actions. Did a patrician see fit to slay another? Very well, he could kill, but had then to answer to the dead man’s kinsmen and their supporters in the general public. The resulting interfamilial quarrel was a private affair to be handled privately without the Roman king’s meddling. “But the murderer’s family [might stand] by him,” writes de Jouvenel, “until this vendetta threaten[ed] the integrity of the whole community; the king then intervene[d] as mediator, acting in behalf of the interests of society.” (P, 203) The king’s merely mediatorial role was significant: a regime of classical liberty did not allow Power to dictate the actions of free men.

*Government  
as mere  
mediator.*

A similar situation long obtained in ancient Athens. (P, 163-64)<sup>14</sup> Likewise, at the apogee of feudalism in the eleventh century, the barons’ untrammelled liberty found expression in private wars, blood feuds, and the right of resistance to the king.<sup>15</sup> A baron, though adjudged guilty of a crime by his peers in a royal court, had the right, subject to his resources and his discretion, to offer armed

Books, 1966), 33 and 36. Oldenbourg is describing the eleventh-century feudal nobility.

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<sup>13</sup> Max Scheler, *Ressentiment*, William W. Holdheim, trans. (New York: Schocken Books, 1972), 156. Scheler writes as a phenomenologist, but, in this case, is clearly thinking of the old feudal nobility.

<sup>14</sup> De Jouvenel bases his comments on Athens on the writings of Fustel de Coulanges who, like de Jouvenel, was more concerned with how ancient institutions actually worked than with how philosophers (relatively late in history) ideal-  
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<sup>15</sup> See Fritz Kern, *Kingship and Law in the Middle Ages*, S.B. Chrimes, trans. (Oxford: Basil Blackwell, 1968).

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resistance if he did not assent to the judgment. This was, from the baronial perspective, completely lawful. The feudal and ancient concept of law differed radically from our own. Apropos of the difference, de Jouvenel quotes Rudolph von Ihering: "Ancient law was based on the principle of subjective will. According to this principle, the individual is himself the foundation and the source of the law he owns; he is his own legislator." (P, 416-17)<sup>16</sup> The subjective rights asserted by individuals constituted law as it actually existed; it was law based on liberty.

De Jouvenel does not romantically misrepresent the distant past. To the contrary, he honors historical facts. "The republic of old," he writes of ancient times, "had no state apparatus. It needed no machinery for imposing the public will on all the citizens, who would have had none of such a thing." (P, 87) *The state did not yet exist.* There was only "this concrete reality, the *populus*, and the interests which concern[ed] it, the *res publica*. No one [spoke] of the state, and there [was] no word to denote the existence of a fictional person separate from the body of citizens." (P, 90) The *populus* was, of course, aristocratic. Conditions were similar in early medieval feudal societies which, practically speaking, were "vast and loosely knit republics" with baronial citizenries. (P, 331) Here, too, there were no state apparati until kings, in league with the bourgeoisie, built them. It was to portend the end of classical liberty and mark the beginning of the modern age.

Liberty "both required and formed virile natures." (P, 321) It produced men who, imperious "in the majesty of their own person," were "capable both of ruling others and of agreeing among themselves." (P, 322) Although they were not without government, they "always refused to admit that anything other than their express consent tied them to it." (P, 320) Their individualism flourished even as it gave coherence to their society. This was long before seventeenth- and eighteenth-century philosophers muddled political thought with fanciful notions of social contract. Unlike the mythical "man" of social-contract theory, the freeman walked the earth. He experienced liberty as he acted "*sponte sua*, spontaneously, as the executor of a judgement passed *in foro interno*, in the forum of his own conscience." (S, 262)

That classical liberty did not destroy society reflected the efficacy

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<sup>16</sup> The quotation is from the Fr. ed. of Ihering's *L'Esprit du Droit Romain*.

Liberty  
requires  
"virile  
natures."

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of education, rituals, and folkways. "The era of liberty in its fullest bloom," writes von Ihering, "saw also the sternest rigour in regard to form." (P, 417)<sup>17</sup> Even by the eighteenth century, when European aristocracies were but shadows of their feudal past, archaic form remained important. This was the reason for which de Tocqueville denounced the French Revolution's extirpation of the nobility, "the most stubborn element in the body of society"; its destruction "energized even its enemies," thereby inflicting "a wound on liberty which will never heal." (P, 420)<sup>18</sup>

Form reinforced substance and, taken together, they delineated classical liberty as a thoroughly masculine phenomenon. Although some women partook of it to a limited degree, they derived their status from their fathers and husbands. Everything about liberty, from its constitutive character of armed self-assertion to the virile values which its educators taught, was essentially masculine. Men alone displayed the warrior's proud and independent spirit without which liberty would have been unthinkable. Scattered examples of "amazons" were the exceptions which proved the rule.

*Classical liberty a masculine phenomenon.*

The importance of formalism in classical liberty raises the fascinating question of whether freemen regarded themselves as the servants of form or its masters. Were they superstitiously "enslaved" to rituals and folkways, or did they see themselves as the sources of these customs? Still more basically, did freemen experience an obligation to do "objective right," or did they, like Nietzsche's creators of value, believe that right was dependent on their imperious wills? These questions go to the heart of classical liberty. De Jouvenel's relevant comments are valuable because of their inconsistencies and contradictions; they do justice to a matter which is, phenomenologically speaking, inherently confused.

Citing among other examples the Norman invaders of England, de Jouvenel contends that freemen originally based their social elevation on force. They had little or no interest in moral principles and, anyway, could not rely on discussions of morality to make their liberty effective. The Normans, for instance, appeared as a "greedy horde" led "by a victorious bandit chief," William the Bastard, whose "division of England into sixty thousand knightly fiefs [meant] that henceforward sixty thousand groups of men [would] each have to support by their labor one of the conquerors." De

*Contradictions of classical liberty.*

<sup>17</sup> The quotation is from the Fr. ed. of Ihering's *L'Esprit du Droit Romain*.

<sup>18</sup> De Jouvenel is quoting from de Tocqueville's *L'Ancien Regime et la Revolution*.

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Jouvenel describes the Normans' alleged state of mind regarding the exploitation of the English: "There lies the justification, *the only one visible to the eyes of the conquerors*, for the continued existence of the subject peoples at all." (P, 100-101; emphasis added)<sup>19</sup> Neither in England nor elsewhere, however, did this situation persist indefinitely. The freemen's domination became "sobered by time, and [developed] by unequal stages the spirit of protection and kindness." (P, 130) The free and the unfree came to accommodate one another; they evolved reciprocal feelings for obligations and rights between them. De Jouvenel seems to believe that the resulting symbiosis more or less approximated the Thomist version of natural law, which he personally accepts.<sup>20</sup>

This speculative account of the "phenomenology of right," so to speak, purports to explain how the ascendancy of mighty men unconcerned with morality became the ascendancy of mighty men guided by a feeling for right. It is not a wholly satisfactory account, as some of de Jouvenel's comments about human motivation indicate. He writes: "Man, in love with himself and made for action, rises in his own esteem with every extension of his personality and multiplication of his faculties," (P, 116) and, "In the order of nature everything dies which is not sustained by an intense and brutal love of self." (P, 120) Although these words have the ring of truth, de Jouvenel does not try to reconcile them with Thomist natural law.

The relation between classical liberty's subjective self-assertion and perceived moral strictures was probably more basic—and more basically ambiguous—than de Jouvenel believes. Historian John Julius Norwich suggests this conclusion by his observations concerning eleventh-century Norman religious beliefs which, he asserts, were typical of the time:

. . . the primary object of religion was to enable one, after death, to avoid the fires of hell and ascend to heaven as promptly and painlessly as possible. The smoothness of the journey could, it was generally believed, best be assured by the straightforward means pre-

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<sup>19</sup> William the Conqueror's claim to the English throne was actually far more legitimate, by the legal standards of the day, than de Jouvenel's carping comment about William as a "bandit chief" suggests.

<sup>20</sup> That de Jouvenel thinks highly of St. Thomas is clear from his comment: "There must be a return to Aristotle, St. Thomas, Montesquieu. In them is substance, and nothing of them is divorced from reality." *Power*, 315. De Jouvenel provides a very sympathetic exposition of Thomist natural law and remarks that "nothing could be more precise" than what St. Thomas means. *Power*, 205.

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scribed by the Church—regular attendance at Mass, the requisite amount of fasting, a little penance when necessary, an occasional pilgrimage, and, if possible, generous endowments to religious foundations. So long as these formalities were observed, everyday life in the outside world was largely one's own affair and would not be too harshly judged. Similarly, there was no vital need to submit to the dictates of the Church in temporal matters.<sup>21</sup>

Norwich's conjunction of "formalities" with "everyday life [which] was largely one's own affair" is significant. The form revered by the bearers of classical liberty appears to have been rather "empty." Certainly form was vacuous enough in ancient Rome. As de Jouvenel remarks, Romans were "the least religious people the world has seen." (P, 71) Yet, they invested their rituals and folkways with intense religiosity. Possibly analogous to the Normans, Romans made form the visible symbol of their determination to live in their own manner. The whole stance involved an implicit apotheosis of aristocratic men. This is arguably why early Christians renounced the formalities, which their Roman persecutors stressed *were* formalities, of honoring pagan gods. This explains, too, why the medieval Church, often allied with kings and the bourgeoisie, struggled to suppress aristocratic secular culture.

If indeed classical liberty's form did tend to be merely empty, there still remains much uncertainty as to how consistently and for how long any particular historical system of classical liberty fitted this pattern. No similar uncertainty surrounds the fact that classical liberty always involved great inequities. Acknowledging them, de Jouvenel exhibits a pronounced sense of moral ambiguity.

De Jouvenel's dilemma is that, while he is infatuated with classical liberty, he is troubled by its inequities. He notes that "when Republican Rome stood at its summit," liberty was the status "of a small, privileged society, freed from all menial work and sordid preoccupation and nurtured on tales of heroic exploit." (P, 321) The Roman situation was typical of the Mediterranean littoral:

*Inequities  
of classical  
liberty.*

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<sup>21</sup> John Julius Norwich, *The Other Conquest* (New York: Harper & Row, 1967), 7. Norwich's interpretation is not contradicted by the eleventh century papacy's power of excommunication. For every Henry IV who feared this power, there was a Robert Guiscard who didn't. Moreover, Henry seemed to have been far more concerned with Gregory VII's temporal position than with his Petrine powers. Both Henry and Guiscard were repeatedly excommunicated; both were religious men who believed that Catholicism's formalities posed no obstacles, at least no serious ones, to their liberty.

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The system of liberty in the ancient world rested on a social differentiation that the modern spirit finds profoundly shocking. At Athens there were from fifteen to twenty thousand free citizens, as against four hundred thousand slaves. And the slavery was, even in the eyes of philosophers, the condition of the freedom; a section of humanity had to be tools. (P, 323)<sup>22</sup>

Abhorring, albeit with some equivocation, the servitude enforced by classical freemen, de Jouvenel proposes a lofty definition of liberty which, it seems, he regards as valid for all time:

Liberty is not our more or less illusory participation in the absolute sovereignty of the social whole over its parts; it is, rather, the direct, immediate, and concrete sovereignty of man over himself, the thing which allows and compels him to unfold his personality, gives him mastery over and responsibility for his destiny, and makes him accountable for his acts both to his neighbor, dowered with an equal right claiming this respect—this is where justice comes in—and to God, whose purpose he either fulfils or flouts. (P, 317-18)<sup>23</sup>

The emphasis on equality in this definition is stunning. De Jouvenel does *not* refer to the socioeconomic equality which the modern welfare state aims to promote. His concern, rather, is with *equality in liberty*, an equality which could be quite compatible with social hierarchy and marked material inequities as in, e.g., a free-market economy. The crucial point is that any empirical system of equality in liberty would have to reflect the “purpose” wherewith God allegedly imbues people both individually and collectively. For better or for worse, though, historical attempts to generalize liberty have produced antilibertarian consequences.

Making liberty the condition of at least all adult males in society became the objective of bourgeois or, as I call it, traditional liberalism. However labeled, such liberalism was the bourgeoisie’s great

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<sup>22</sup> Slavery was the air that ancient liberty breathed. De Jouvenel is visibly perplexed by this fact. He twice quotes Rousseau’s often overlooked query from *The Social Contract*, viz., “What is this? That liberty requires slavery to maintain it? It may be so. Extremes meet.” *Power*, 266, 323. When first quoting these words, de Jouvenel describes them as “shamefaced nostalgia”; he later quotes them without disparaging comment.

De Jouvenel recognizes, but does not stress, that the ancient world’s distinction between the free and the unfree typically corresponded to ethnic differences. This was also true, to an extent that diminished with time, with respect to the differences between nobles and serfs during the European feudal era. Thus, not only was classical liberty oppressive and sexist, it was also racist—and thoroughly noble in the double sense of aristocratic and elevated by its dignity.

<sup>23</sup> St. Thomas would have no qualms over this definition.

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historical accomplishment. Bourgeois jurisprudence invented “the egalitarian fiction which is the presiding genius of modern law.” (P, 372)<sup>24</sup> Pursuant to this fiction, the old concept of the freeman became anachronistic; since all men were free “by nature,” as social-contract philosophers insisted, it was redundant to qualify “man” with the adjective “free.” Accordingly, not only the special rights and duties of erstwhile freemen, but also the specific rights and duties of the formerly unfree were to disappear. Individuals equal before the law would henceforth relate to one another through the freedoms of association and contract.

*The concept of the freeman becomes anachronistic.*

One of the favored techniques of association became the joint-stock corporation offering limited liability to investors. Although this invention greatly enhanced general prosperity, it also underscored the fictional character of juristic egalitarianism. A small class of powerful capitalists emerged; it “was careful to divorce from the command, which it exercised, the responsibility, which it rejected, and the risks, which it palmed off on to the shareholders.” (P, 348) Capitalism had—and has—both liberating and oppressive aspects. De Jouvenel focuses on the oppressiveness as he discusses the elitism and venality of such revered bourgeois figures as the financier, the industrialist, the journalist, and the publicity agent:

The false dogma of equality, so flattering to the weak, results in a chartered libertinism for the strong.

At no time in history has social elevation carried with it fewer obligations, or actual inequality proved more oppressive than since the incorporation in positive law of an equality principle, bringing in its train the negation of all duties that belong to station. (P, 374-75)

Unlike the feudal nobility, whose attention to ritual and folkways traditional liberals derided as superstition, bourgeois magistrates failed “to create the code of behavior and the concepts of right conduct which [were] needed to harmonize [their] new function with the order of society.” (P, 371) Thus, “a chartered libertinism for the strong” became libertinism in practice. But the situation could not last. Traditional liberalism made a fateful, even if probably unavoidable, alliance with democratic institutions. As the masses became enfranchised, they, or to be precise, those who mobilized them, demanded the intervention of Power to provide both a more

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<sup>24</sup> De Jouvenel is clearly referring to the equality of social-contract philosophy and the jurisprudence based upon it. On these matters, see his splendid “The Political Consequences of Hobbes,” which is chap. 14 of *Sovereignty*, 231-46.



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equitable distribution of wealth and security for the disadvantaged. These demands did not fall on deaf ears. Democratic Power, which replaced monarchial Power, easily expanded the old royal struggle against feudal privilege into aggression against bourgeois society.

Traditional liberalism gave way to what I call contemporary liberalism and the welfare state. De Jouvenel believes that the development was inevitable: "The extremes of individualism and socialism meet: that was their predestined course." (P, 172) Inevitable or not, contemporary liberalism remains the rationale for modern, democratic Power whose essence de Jouvenel describes:

Power takes over, as it were, the whole business of public and private happiness, and it is an indispensable clause of the contract that all possessions, all productive energies, and all liberties should be handed over to it, as being the labour and the raw materials without which it cannot accomplish so gigantic a task. The business is one of setting up an immune patriarchy, or if anyone prefers the word, a matriarchy, since we are now told that collective authority should be animated by maternal instincts. (P, 357)

By suggesting that matriarchy is the archetype for modern states (or a single world-state, since there is no good reason for everyone not to have the same provident mother), de Jouvenel contrasts the welfare state to the overtly masculine system of classical liberty. His basic point, viz., that society grows ever more effeminately totalitarian, is beyond doubt. Maternal thought control pervades education, as well as public opinion, even while socialism organizes economic life. It is in this vein that de Jouvenel observes how "character is debased by an effeminate education." (P, 340) Symptomatic of the decadence in modern America are such educational "values" (I use the term loosely) as sharing-and-caring, indiscriminately "affirming" others, and self-esteem. The teaching of self-esteem (e.g., Operation Push's "I am *somebody!*") is especially reprehensible: it either is superfluous, if education succeeds in its substantive task, or else encourages false pride. Such pedantry, though, is appropriate to our statist era. Neither able nor willing to form the virile natures of free lords, our schoolmistresses graduate servants of the state, the good citizens who, following John Kennedy's admonition, ask what they can do for something they call their country.

Classical liberty's historical enemies have been so utterly successful that even memory of it has been largely effaced. "To us it is hardly credible," writes de Jouvenel, "that a society can remain

*Effeminate  
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alive in which each man is the judge and master of his own actions, and our first reaction is that the most hideous disorder must reign wherever there is no Power to dictate to men their behavior." (P, 320.) Yet, despite such skepticism and ignorance of history, many men in the twentieth century champion an ideal of social organization which, however labeled, is nothing other than the system of classical liberty. De Jouvenel correctly observes that: "From every side, and under the most diverse banners, the signal has gone up for a return to the tribal ways of life." (S, 138) The phenomenon is currently much in evidence in such ethnic tribalisms as those of Somalians, Lithuanians, Palestinian Arabs, and secessionist-minded Afrikaners—all of whom doubt that "democratic pluralism" can guarantee them anything except the suppression of their national values. Besides ethnic factors, religious and nonreligious ideological considerations also energize new tribalisms. What is important is that like-minded libertarians see themselves as a community wherein the "coincidence of judgements would be so great that a man . . . would be as joyfully and spontaneously himself in the forum as he is in his own retreat." (S, 269)

The proliferation of tribalisms threatens established social bonds. Visibly under assault is the state itself, classical liberty's old nemesis and the crowning achievement of traditional/bourgeois liberalism. The state has achieved such total control (well beyond what men had long thought possible) that modern tribalists react to it in the only way that they can, i.e., aggressively. De Jouvenel, deploring that "political struggles take on a new sharpness and cruelty," goes on to lament:

Men feel in their bones that there is no longer room for what used to be called "private life."

Such is the Minotaur's [de Jouvenel's pejorative term for the modern state] success in moulding the lives of individuals that escape from him is impossible; there is, therefore, no salvation but in seizing him. The words "I will live in a certain way" are now pointless; what must be said is, "To live in a certain way myself, I must seize the controls of the great machine and employ them in such manner as suits me."

It is a time of proscriptions and civil wars. It is also a time of wars between nations, for these Titans are allergic to each other. (P, 356)

De Jouvenel offers but little relief from his profound pessimism. He acknowledges the theoretical possibility of dismembering large political formations and then establishing smaller territorial units in

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each of which there would be a relatively homogeneous citizenry, whether defined ethnically, ideologically, or otherwise. Neglecting to consider this possibility in any detail, de Jouvenel merely notes that modern governments, *especially democratic ones*, commonly oppose it with great vehemence. (P, 258)

What can be said about the current state of affairs? One may hope that the territorial break-up of modern states is a more plausible possibility than de Jouvenel seems to believe. What seems certain is that the deliberate “down-sizing” of political life offers the *only* conceivable means for realizing liberty in our age. It also, alas, contravenes an apparent “law” of technological and economic progress, viz., that, as people grow interdependent in satisfying their material wants, they necessarily organize themselves into large political units where they can produce and consume in concert.

It is appropriate to close on a pessimistic note. Toward the end of *On Power*, de Jouvenel evokes the memory of three great writers, de Tocqueville, Comte, and Taine. They and many other of history’s “finer spirits,” opines de Jouvenel, were but “useless Cassandras” (P, 378) whose warning against the dangers of statism went unheeded. Similarly lacking in utility are de Jouvenel himself and, indeed, all who cherish liberty. Perhaps someday soon democratic governments will declare that the yearning for liberty is a malevolent atavism, a psychological disorder for which they will provide treatment. They will likely not confine their ministrations to such already sufficiently odious practices as “empowering” us and “nurturing” our self-esteem.