

# The Dutch Republic and Antiquity\*

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## I

When Huizinga described the constitutional law of the Republic as 'a peculiar structure', he added that it was perhaps none the worse for the lack of a theoretical basis.<sup>1</sup>The same conclusion was reached by Fockema Andreae on the basis of solid arguments, and I shall not contest it.

The Union was 'in essence a defensive alliance of the northern provinces',<sup>2</sup> but with the emphasis on alliance. And for this collaboration, examples were sought. Here Rome no longer sufficed and was even completely inadequate, because that city kept control wherever she encouraged alliances throughout her long history. But there were other examples: the Greek cities in the Peloponnesian League grouped around Sparta, the two Athenian Confederacies, the Boeotian League, and above all the Achaean and Aetolian Leagues formed under the threat of Macedonia, which were often at odds with each other, but (because he was one of the leaders of the former) were described by the great historian Polybius as political instruments. Machiavelli respected Polybius as a political thinker, and the re-discovery of his histories marks an important event in the intellectual history of

\* The literature on the Union is vast and subject to periodic expansion (1879, 1929, and this year: *De Unie van Utrecht. Wording en werking van een verbond en een verbondsacte*, edited by S. Groenveld and H.L.Ph. Leeuwenberg (The Hague, 1979). For my limited purpose I have benefitted most from discussions with colleagues, among whom I wish to thank in particular Mrs. N. van Santen-Mout, S. Groenveld, I. Schöffner, and J. Woltjer for their patience in listening to my questions and for their instructive and clarifying comments. I was able to read J. Woltjer's 'De wisselende gestalten van de Unie' in manuscript, for which I am also indebted to the author. Finally, last but not least, I wish to express my gratitude to the Leids Universiteitsfonds for making it possible for me to have the help of a graduate assistant for six months. The way in which Eric Daams fulfilled this function was beyond praise, but nevertheless must not go unacknowledged here.

1. J. Huizinga, *Nederlands beschaving in de zeventiende eeuw* (Haarlem, 1941)46, 'Misschien was het er niet minder om, dat het van geen enkele staatstheorie was uitgegaan'.

2. S. J. Fockema Andreae, *De Nederlandse staat onder de Republiek*, Verhandelingen der Koninklijke Nederlandse Akademie van Wetenschappen, afdeling Letterkunde, Nieuwe Reeks, LXVIII, iii (2nd. ed., Amsterdam, 1969) 3.

fifteenth- and sixteenth-century Italy.<sup>3</sup> Sparta had a special interest for the Dutch protestants. The mental baggage of their leading figures, who had studied in other countries, included, I am inclined to assume, some information - sometimes only vague notions - about the formation of the Greek and Roman confederations, although I have been unable to find any evidence on this point. It is not difficult to explain why examples are so elusive, at least if one remembers that the concept of a 'balance of power', which is one of the primary conditions for modern relations between States, was never clearly formulated in Antiquity, and therefore peaceful collaboration between autonomous States on the basis of treaties of alliance can hardly be expected.<sup>4</sup> However, there was great interest in the constitutions of individual States.

Sparta's constitution offers the paramount example. In all of the modern textbooks it is only discussed very briefly, in contrast with the description of the Athenian constitutional history. At present, there is much more interest in democracy than in oligarchy, but the reverse was the case in the fifteenth and sixteenth centuries. Reports on Athens were almost completely restricted to Drakon and Solon. Kleisthenes' constitution, which was devoid of privileges associated with birth and wealth, was considered less worthy of interest. A quotation from an excellent modern study will serve here to convey the degree of Sparta's popularity:

Sparta's significance of course continues to lie in her kings, limited by law and in particular by the power of the ephors. What is in origin little more than a casual comparison slides with some writers into a form of authorization; and at last becomes so regular as almost to constitute the veritable definition of the theory it indicates.<sup>5</sup>

A frequently cited case will suffice here: the well-known passage from Calvin's *Institutio*.<sup>6</sup> Between the king, whose power comes from God, and the people, of whom only obedience and patience were demanded, stand the lesser magistrates, whose function is to moderate the arbitrariness of the kings: *populares magistratus ad moderandam regum libidinem constituti*. The ephors of Sparta are referred to in exactly the same terms in a passage in Plutarch's *Life of Lysurgus*, but this terminology is even older, being borrowed from Plato.<sup>7</sup> I add this last as

3. For Polybius as political thinker in (and after) Machiavelli, see A.D. Momigliano, 'Polybius' re-appearance in Western Europe', *Entretiens*, Volume XX, of the 'Fondation Hardt pour l'étude de l'antiquité classique' (Vandoeuvres-Genève, 1974) 347-72 (= *Essays in Ancient Historiography* (Middleton, 1977) 79-98). On Machiavelli, especially 361 (= 87). For Machiavelli, see e.g. F. Gilbert, *Machiavelli and Guicciardini* (Princeton, 1965) particularly 258, 244 ff.

4. See H.H. Schmitt, 'Polybios und das Gleichgewicht der Mächte', *Entretiens Polybios* (1974) 67-102, particularly 82.

5. E. Rawson, *The Spartan Tradition in European Thought* (Oxford, 1969) 158.

6. Calvin, *Institutio religionis christianae*, IV, 31, in: *ibidem*.

7. Plutarchus, *Bioi paralleloi*, 'Lysurgus', 7,1 after Plato, *Nomoi* (Laws), 692A.

my small contribution to the discussion on the 'right of revolt', a discussion which has not abated through the centuries. It may safely be assumed that Amyot's translation of Plutarch into French (1559) increased awareness of the Spartan constitution, particularly in the seventeenth century.

The 'lower magistrates' might be seen in a sense as representatives of the people, but it remains a question whether this is what Calvin meant. I am less certain about this than Elisabeth Rawson in her book on the tradition of Sparta in European thinking.<sup>8</sup> The idea of 'representatives of the people' probably arose first of all because the Spartan ephors were elected magistrates, and next because in the same passage Calvin mentions the Athenian demarchs (who had a different function), and lastly because the reformer makes a comparison with the three Estates or Orders in modern monarchies holding their most important meetings 'tres ordines, quum primarios conventus peragunt'. Calvin is cautious on this point, as the text shows. He has no doubts about the correctness of comparing ephors with demarchs, but with respect to the modern *ordines* he is not certain: 'Such representatives had been the ephors in Sparta, the tribunes in Rome, the demarchs in Athens, and were, perhaps, in modern monarchies, the Orders'.<sup>9</sup> The contemporary analogy seems dangerous. The extent to which it is valid I shall leave to others to decide. As far as Antiquity was concerned, Calvin was safe with respect to Rome and Sparta. In those times the people's tribunes and the ephors were considered as preservers of liberties, as true popular leaders even against authorities who abused their powers. For Athens, however, the comparison is dubious. Demarchs never performed anything more than administrative functions in their deme or district. It has been said with justice that the glory of the sovereign people is that they call even their leaders to account. Thus, they did not need protectors. But this was just the point where the Greek City States went too far according to sixteenth-century views and explains why Athens plays a smaller role as praiseworthy paradigm. The concept of liberty could be defined in different ways, even in Antiquity. Roughly speaking, two fundamental matters are concerned: individual freedom and political freedom. The latter is of particular importance here: participation in elections, scrutiny of magistrates before they assumed office,<sup>10</sup> voting on laws, voting on war, peace, and alliances. Anyone who did not have these rights was not a citizen. And that went further than

8. She refers to 'special representatives of the people'. In my opinion, this is not sufficiently exact.

9. Calvin, *Institutio*, IV, 31, quales olim erant qui Lacedaemoniis regibus oppositi erant ephori, aut Romanis consiliis tribuni plebis, aut Atheniensium senatui demarchi; et qua etiam forte potestate, ut nunc res habent, funguntur in singulis regnis tres ordines, quum primarios conventus peragunt. The translation is mainly taken from Rawson.

10. Before an appointment became official an investigation was performed to determine whether the candidate was a citizen, and there was a rigorous examination of conduct after quitting office.

even the most radical sixteenth-century oligarchs wanted to go, not to mention the possibility of glorifying the personal freedom of the individual, assuming they had ever thought of such a thing. But this had been the case in Athens: 'We enjoy freedom both in our public life and in our attitude to each other in our private affairs'. These words were spoken by Perikles in his Funeral Speech, and the conclusion reached by a modern historian is correct:

...the individual [was] free to live his own life, not ordered about by the majority vote in the assembly, free from politics if he wished and if he did not mind being called useless.<sup>11</sup>

The question is not whether the sixteenth century knew such a concept of freedom but whether even statesmen valued it. Whatever the case may be, it is clear that Athens was not seen as a rewarding model. And if others, like Calvin, mentioned Athens, they too were the victims of their own illusions. The example of the demarchs speaks for itself. Attention was drawn by Sparta - not Athens. Calvin can hardly be blamed for lack of comprehension concerning Athens, because Sparta was invariably mentioned first. The ancients themselves had preceded him in this, and he knew his pagan authors both by training and preference.<sup>12</sup>

A very striking example is provided by Theophrastus, who in discussing magistrates and their election to office refers to procedures in Sparta, and when he mentions Athens at all, does not cite any radical democrats as illustration. This evidence from the fourth century before our era is of recent acquisition. If we take into account the enormous influence Theophrastus exerted in other areas as well, it is hardly surprising that it were his constitutional examples which survived.<sup>13</sup> Ephor became the name for those who guaranteed the rights and liberties of cities and provinces. Thus, the members of the Orders are called ephors, because they kept a strict watch on the behaviour of the highest lord of the land. The Roman people's tribunes faded into the background, because their position derived from the Spartan model. Even the 'monarchomachs' under the Huguenots praised Lycurgus, the lawgiver of Sparta, and King Theopompus, who had instituted the ephorate.<sup>14</sup> Here, an appropriate parallel - described by

11. A.W. Gomme, 'Concepts of Freedom', *More Essays in Greek History and Literature* (Oxford, 1962) 139-55, particularly 141. By the same author in the same volume, 'The Working of the Athenian Democracy' (177-93, particularly 188).

12. See e.g. A.M. Hugo, *Calvyn en Seneca* (Thesis Utrecht; Groningen, 1957) and above all Calvin's Commentary on Seneca's *De Clementia*, with introduction, translation, and notes by F.L. Battles and A.M. Hugo (Leiden, 1969).

13. The palimpsest in question (first published in 1943) is called *Fragmentum Vaticanum de eligendis magistralibus*. Recently discussed by J.H. Oliver, 'The Vatican Fragments of Greek Political Theory', *Greek, Roman and Byzantine Studies*, XVIII (1977) 321-39.

14. See Rawson, *The Spartan Tradition*, 162.

Plutarch - had been available since the beginning of the sixteenth century.<sup>15</sup> Here, they could also draw on the Roman tradition, which in Cicero's writings assigned all credit to the Greek examples;<sup>16</sup> furthermore, it was generally accepted that Romulus created the Senate after the example of the Spartan Council of Elders (*gerousia*).<sup>17</sup>

## II

The *antiquitates Graecae et Romanae*, like *eloquentia*, were taught in the protestant universities of The Netherlands. Both branches of applied science had importance for all faculties. *Eloquentia* was 'speaking and understanding Latin', and remained a compulsory subject for divinity and law students for several centuries. The law faculty clung to the *res antiquaria* or *antiquitates*, interpreted primarily as 'public institutions of the ancients'. This subject continued to provide the source of inspiration for constitutional law, and inspired teachers did justice to it. In the letter in which the Board of Curators of the University of Leiden offered a professorship to J. J. Scaliger in 1593, mention was made of *unica historiae romanae reique antiquariae professio*. A whole list of subjects was understood under these antiquarian studies, in particular the history of the Roman official functions and people's assemblies, as shown by the specification of the field to be covered by Merula.<sup>18</sup> This specification held for the faculties of letters for two centuries, until the law of 1876 was passed. Even as late as the second half of the nineteenth century, for example Cobet had considerable influence in

15. The first edition of the *Moralia* appeared in 1509 (Venice), that of the *Vitae* in 1517 (Florence). The Spartan 'constitution' or *rhetra* in Plutarch's 'Lycurgus', 6: W. den Boer, *Laconian Studies* (Amsterdam, 1954) 153 ff.

16. Cicero, *De Republica*, 11.2; II, 15. Balance of power in one State, II, 42. Cicero, *ibidem*, II, 58, on Theopompus' ephorate (*De Legibus*, II, 16), compared with people's tribunal.

17. Dionysios of Halicarnassos, *Romaikè archaiologia*, II, 14; the references in this and the two preceding footnotes are not to be found in Rawson.

18. For the contents of these lectures on 'Antiquitates', recently H. Wansink, *Politieke wetenschappen aan de Leidse Universiteit 1575A ±1650* (Utrecht, 1975). See also S. Ridderbos, *De philologie aan de Leidse Universiteit gedurende de eerste vijf-én-twintig jaren van haar bestaan* (Thesis, Vrije Universiteit Amsterdam; 1906) 22, 24, and 53. G. Oestreich, 'Justus Lipsius als Universalgelehrter zwischen Renaissance und Barok', *Leiden University in the Seventeenth Century; an Exchange of Learning* (Leiden, 1975) 177-201, points out that in 1579 Lipsius' professorship was described as *historiarum et iuris* (177). In this period, *Hoogleraar in de Historiën* (Professor of Histories) was the title of those who taught Latin (Ridderbos, *Philologie aan de Leidse Universiteit*, 21 and 24, although in all likelihood this had specific reasons in Leiden: the intention was to entrust Latin entirely or partially to Lipsius, who surpassed his colleagues by far. For Lipsius' previous teaching function, see H.D.L. Vervliet, *Lipsius' Jeugd (1547-1578)*, Mededelingen Koninklijke Vlaamse Academie voor Wetenschappen, Letteren en Schone Kunsten van België, Klasse der Letteren XXXI, vii (Brussels, 1969).

this respect, and his enthusiasm for this part of his work was infectious.<sup>19</sup> In the official list of degree requirements formulated in 1921, this part of the science of Antiquities persisted as a remnant, being specially mentioned for the study of classical languages. When the position of *professor historiarum* had a good occupant, the subject attracted students from other faculties as well.

The records of the University of Leiden do not show a sudden increase in the number of students immediately after 1579, but the appointment of Lipsius was to benefit the university. The special protestant character of this university in the United Netherlands gave it a special position. As great a scholar as Rudolf Pfeiffer, who in other ways as well betrayed ignorance about the history of the Netherlands, drew the following mistaken conclusion:

The northern provinces of the Netherlands, after their long war of freedom, declared their independence in 1579, and they did so in the university of Utrecht'.<sup>20</sup>

Whether the beginning of the revolt is dated in 1568 or (preferably) in 1572, in 1579 it was not yet a long war. Linking the declaration of independence (1581) to the founding of the United Netherlands is not justified on the basis of the documents, and the situating of the latter event 'in the university of Utrecht', must make a more painful impression in that city than in Leiden, even though independence was not born there either.

Federalism has been a watchword of applied history ever since the attention of the American revolutionaries was drawn to the Dutch Revolt. But the term was used before that, although I have not been able to determine its exact age. It is certain, however, that the alliance of the seven provinces, their arduous collaboration and endless altercations, have fascinated all federalists since the sixteenth century. The Netherlands share this interest with the Swiss Confederation. Even today, Switzerland serves to illustrate the fact that cities and cantons can - without *synoikismos* - live in alliance, and this situation is compared with the Aetolian League, the instrument forged by western Hellas against Macedonian power in the fourth and third centuries B.C.. 'Like the Swiss Confederation, Aetolia

19. Reported by J. J. Hartman, *De avondzon des heidendoms* (2nd ed.; Leiden, 1912) 1-3. Cf. also R. Fruin and H. W. van der Mey in the introduction to their edition of *Brieven van Cobet aan Geel uit Parijs en Italië* (Leiden, 1891) xlii); the article 'Over de jeugd van Cobet' is by R. Fruin. See *Verspreide Geschriften* (10 vols; The Hague 1900-1905) IX, 497-530. That Lipsius lectured in Jena in 1572 on Roman antiquities is correctly pointed out by Momigliano, *Essays*, 223, under reference to V.A. Nordman, 'Justus Lipsius als Geschichtsforscher und Geschichtslehrer', *Annales Academiae Fennicae*, XXVIII (1932) 35. In Leiden, later, his appointment was as *professor historiarum*; see Ridderbos, *Philologie aan de Leidsche Universiteit*, 24.

20. R. Pfeiffer, *History of Classical Scholarship 1300-1850* (Oxford, 1976) 124. For an evaluation of the book, the discussion by E.J. Kenney, *Classical Review*, XXVIII (1978) 131-34, is indispensable.

contained some city-states... as well as unsynocised cantons'. These words of A.J. Toynbee<sup>21</sup> are not only the result of his own research, but are also confirmed by observations made by others for many leagues. As far as the Dutch Union is concerned, urbanization was equally little advanced in some of the provinces; here I think particularly of Overijssel and Gelderland, although I am well aware of the pitfalls awaiting anyone who - in whatever period - attempts to define the place of these provinces in the Union.

As we have already seen,<sup>22</sup> we must return to Polybius if we wish to deal with the confederation of the Greeks. Since the beginning of the sixteenth century the relevance of his work in the field of control of particularism has been just as great as that on military tactics. To illustrate why he was so interesting, the Achaean League is an obvious choice; Polybius himself was one of its leaders and the discussion of this confederation by this important witness has not lost its value. In the first place, the historical context is grandiose and applicable to the situation in the sixteenth century. The Macedonian power was unshaken, the king was *hegemôn* of the Greek cities and rural districts. Autonomy and submission went hand in hand, opposites though they were. That a failed enterprise - which the Achaean League ultimately was - could nevertheless be inspirational, seems a remarkable contradiction. Indeed, in modern research reference is made to the Greek federalists who 'did not understand their times', but should have been receptive first to the beneficial expansion of Macedon under Alexander and his successors and later even more so to Rome and her mystic mission in the world.

This criticism is in the first place cheap and in our case very much in conflict with the well-known statement attributed to the leader of the revolt: 'Point n'est besoin d'espérer pour entreprendre, ni de réussir pour persévérer'.<sup>23</sup> In the second place, the futile attempt had (in the literal sense) something heroic about it. The *heros* is the dead hero who dies for an ideal without taking the outcome into account. The most Greek of heroes was Herakles, and his death did not detract from his fame. At all times humanity has been inspired by this form of heroism.<sup>24</sup> But there is more. The political and military blunders of these Greek partisans were many. The dissension, the distrust, and the jealousy among those who started this unequal fight are also evident from Polybius' work. And it remains true that the most is to be learned from the mistakes of others, although, unfortunate-

21. A.J. Toynbee, *Hannibal's Legacy* (Oxford, 1965) I, 72; J.A.O. Larsen, 'The Assembly of the Aetolian League', *Transactions of the American Philological Association*, LXXXIII (1952) 1-30.

22. See above, 419 ff.

23. See B.W. Schaper, *Maatstaf*, II (1954) 24-32.

24. Jürgen Deininger, *Der politische Widerstand gegen Rom in Griechenland 217-86 B.C.* (Berlin-New York, 1971), gives a review of scholarly commentators who had nothing good to say about the Greek resistance; among them was - unfortunately - Th. Mommsen. See the discussion of this book in *Tijdschrift voor geschiedenis*, LXXXVI (1972) 426-28.

ly, the opportunity is not always grasped. The modern investigator, who rightly asks comprehension for the political and military aspects, for the spectacular and sometimes brave deeds of small people and for their distress, follows a host of humanists who understood this a long time ago. They passed it on to their students, some of whom came from the oligarchic group. Their importance has been discussed in our time,<sup>25</sup> and I shall not go into it here. The organization of these confederations deserves attention, however.

### III

Achaia lay on the northern side of the Peloponnese and stretched out along the Gulf of Corinth. This geographical position determined the urge for collaboration as defence against attacks from the north over the strait, which was very narrow in places; economic and military interests went hand in hand. We hear of alliances in very early times, when 'Ionians' and 'Achaeans' still collaborated.<sup>26</sup> Here we are immediately confronted with an element that is also neglected in modern discussions of the Achaean League: the Ionian background - and this means more attention for Athens than for Sparta. In this connection I think - without claiming to cover all of the humanistic statements on the Achaeans - of our learned West-European predecessors as having missed this factor. Whatever the case may be, as far as block-forming is concerned there can be no question but that in the initial phase of the symmarchy the 'Ionian' element played a role.<sup>27</sup>

The second phase coincides roughly with the rise of Macedon as a political and military power in the Balkans. The Ionian character disappeared, or rather no longer dominated. The Achaean elements did not resort to collaboration either. The Peloponnese, from the Gulf of Corinth southward, had from ancient times been settled by Dorian Greeks. Here was a feature which appealed to the imagination of the Union-builders in the Netherlands. Frisians and Batavians could,

25. A.D. Momigliano takes the lead here with two studies, one already mentioned in footnote 3, on Polybius' revival, and the other concerning Tacitus: 'The First Political Commentary on Tacitus' (1947), republished in *Essays in Ancient and Modern Historiography* (Middletown, 1977) 205-29. Walbank, one of the most respected authorities on federal government in Antiquity, draws the following conclusion: 'The Federal States made a valuable contribution to political life of the Greek world, especially in the Hellenistic period... At a time when large territorial kingdoms were dominating the political scene they enabled small and weak States to play a significant role'. (F.W. Walbank, 'Were there Greek Federal States?', *Scripta Classica Israelitica*, III (1976-77) 27-51 (quotation from 51). On contacts between States in Antiquity, see now E. Olshausen, ed., *Antike Diplomatie* (Wege der Forschung, XLVIII; 1979).

26. The relevant passages with respect to Polybius can, however, be easily collected from volume V of the edition of Th. Büttner-Wobst (1904).

27. See my inaugural address, *Nationalisme in Griekenland in de 5e en 4e eeuw v. Chr.* (Leiden, 1946) 9.



for instance, become allies like Ionians and Dorians. One of the most important steps in the direction of collaboration between the Hellenic tribes occurred when Sicyon, a Doric city on the easternmost part of the Corinthian Gulf, joined the group around 250 B.C. Southern cities in the Peloponnese joined it later as well. One of them was Megalopolis, the birthplace of Polybius and also a Doric city.

With the entry of Sicyon, a leading position was occupied by her leader Aratus, who promoted the growth and expansion of this league. And here again the Greek model shows a point of agreement with West-European league formation: a leader is indispensable. But then as later, attention was concentrated on the institutional form of the alliance. Polybius is extremely precise on this point<sup>28</sup> In brief, the development was very probably as follows, although certainty cannot be reached because, especially in the early period of the Achaean League, the terminology is unstable, particularly in the use of the words *synklêtos* and *synodos*. The former is the primary assembly of all citizens, members of communities belonging to the league, who came together when very important matters were at stake: war and peace. All took part, and in principle all were permitted to be present, although execution of decisions was soon delegated to the army assembly in the field. *Synodoi* are meetings attended exclusively by members of the *boulè*, a council, a restricted body, suggesting representation but in itself virtually cancelling the stipulation that all men older than thirty years could attend. It is certain that there are no indications of distrust of the council or *boulè*. When the need for consultation became more urgent, especially after Rome's interest turned eastward in the third and second centuries, old terms reappear. *Ekklèsia* was used for the assembly of all citizens of the member States who wished to attend, again with restriction of the matters to be discussed, which were limited to war and peace, and *the synedrion*, the organ of the '*demotikè kai synedriakè politeia*' (the democratic constitution working in the council) (*Pol.* 31.2.12). The *synedrion* is the council. Ten dignitaries of each *polis* were invited to the meeting. About the procedure we know nothing. In this context the term democratic has no technical significance: 'Any republican State, no matter how oligarchic, could call itself a democracy'.<sup>29</sup> The representation was thus implemented; how much power the representatives had depended on the authority vested in them by their principals. This delegated authority could be considerable. The aristocratic heart of Poly-

28. For the following, see J. A. O. Larsen, *Representative Government in Greek and Roman History* (Berkeley and Los Angeles, 1955) especially chapters IV and V (66-105), a book which has been criticized - on details which are unimportant for our purposes - but is accurate on the structure of confederational collaboration. See by the same author, *Greek Federal States. Their Institutions and History* (Oxford, 1968). On Megalopolis as centre, see H. Braunert-Traute Petersen, 'Megalopolis: Anspruch und Wirklichkeit', *Chiron*, II (1972) 57-90.

29. Larsen, *Representative Government*, 104.

bius approved. It must not be forgotten that this aristocratic moderate democracy feared nothing as much as a disturbance of the *local* balance of power. 'Polybius, coming from the rather moderate democracy of the Achaean League, was by no means an admirer of radical democracy.'<sup>30</sup> This made him a pre-eminently trustworthy leader in the eyes of the city's regents. Initially, his political importance was overshadowed by his military importance. The latter is mentioned repeatedly, the former was not referred to at first, and when it was later on, federalism was not involved. Both of these points require further discussion.

The history of the reception given Polybius in the West shows two phases. The theoretical analysis of the structure of the States, concentrated mainly in the sixth book, was rediscovered in the *Excerpta antiqua*, later than the completely preserved first five books. Roughly a century separated the two discoveries. Machiavelli could still have been aware of the publication of the sixth book. Leonardo Bruni Aretino discovered Polybius in 1418-19, and included a free translation of *Polybius* I-II 35 in his work on the First Punic War. This set in motion a development which is correctly called the 'reappearance' of Polybius. The rest of Polybius, particularly the sixth book which became so important for political thinking, came a century later. The first indications are found in 1505; when Machiavelli began to write his *Discorsi* 'the substance of Book VI had been known in Florence for several years'.<sup>31</sup> The contents were concerned with Rome and her constitution, customs and institutions, military power and its development - in brief, the sixth book forms the basis for all later discussions of the so-called 'mixed constitutions' - uniting aristocracy and democracy, rich and poor, in a harmonious political system. The second discovery brought almost richer inspiration than the military material. This was not due solely to the content; its effect was enhanced by the concentration of the information, mainly in this one book in which the comparison of Rome's political institutions with those of the Greek cities (not the leagues) predominates. The references to federalism, and thus to the Achaean League as Confederacy, were not, however, grouped together or discussed separately.<sup>32</sup> Later philologists and historians collected them from the first five books, the only ones to have survived intact, and from the *excerpta* of later books.<sup>33</sup> This was a difficult project, which did not

30. G.J.D. Aalders, *Political Thought in Hellenistic Times* (Amsterdam, 1975) 111.

31. Momigliano, 'Polybius' Reappearance in Western Europe', 361 (= 87).

32. An attempt has been made to prove that Polybius wrote a special history of the League as the basis for his *magnum opus*; see K.E. Petzold, *Studien zur Methode des Polybios und zu ihrer historischen Auswertung* (Vestigia 9; München, 1969). The result is not very convincing; see F.W. Walbank's discussion in *Journal of Roman Studies*, LX (1970) 252. Also *Bibliotheca Orientalis*, XXX (1973) 280-82.

33. On the printings of the first five books, especially N. Perotti's translation (1454) and Is. Casaubonus' famous edition (1609), see J.M. Moore, *The Manuscript Tradition of Polybius* (Cambridge,

gain momentum until the eighteenth century (Schweighäuser's edition, 1789-95) and was only completed in the twentieth century. Furthermore, Polybius had no admiration for the way in which the members of his League worked together in practice, especially in the later period after about 200 B.C., which sometimes put off readers in later generations. And lastly, except for Polybius there was virtually no source material on this and other confederations; the innumerable inscriptions which became available later had for the most part not yet been discovered. It was not until the American Revolution that Polybius was found interesting as a federalist.<sup>34</sup> Polybius was a supporter of the Roman political system, which many in the eighteenth century - but before that as well - saw as a democratic State: a *res publica*, a Commonwealth. To this Polybius could subscribe, adherent as he was of the Roman system: senate and people, a mixed constitution.

The impression might be gained that Polybius was silent about the League in which he himself had played a role as statesman, but this would not be correct. His Achaean League is mentioned repeatedly,<sup>35</sup> he also refers to the radiant beginning with 'constitution and principles of democracy'; he claims equality and freedom of speech as the marks of democracy, for the Achaean League.<sup>36</sup> But the conclusion of his modern commentator is right: 'Polybius points to the remarkable democracy of the confederation as an *aitia* (cause), but makes no attempt to apply his causal scheme in detail'.<sup>37</sup>

The terms alliance, confederation, union, have been interpreted in different ways in the course of time. The same holds for the *symmachia* and *sympoliteia* of the Greeks. Nevertheless, we can speak of one common feature in Antiquity: a Union was seen as a State - on a large scale. The words for equality and freedom

1965). Editions in Greek appeared in 1582, 1609, and 1634. The *editio princeps* (1582) of the fragmentary work of Polybius was prepared by Fulvio Orsini (1529-1600) and contains the first five books and the *excerpta antiqua* through Book XVIII. The crowning glory of Casaubonus is the edition of 1609. It contains more than its predecessors, but with respect to the *excerpta* his edition could not comprise more than his codex supplier Schott sent him. All this is described very well by Th. Büttner-Wobst in volume IV of his Teubner edition (1904) Praefatio, v-ix. H. Valesius completed these three old editions in 1634 with the *Excerpta ex collectaneis Constantini Aug. Porphyrogenetae*. Th. Büttner-Wobst, to name only the last, must be credited with the completion of the work (ed. 1882-1904). But this is not the whole story. Translations were known before 1582 and the founders of the Union of Utrecht could have heard of them. They could have read Machiavelli, but I have found no indications of this influence. Gilbert, *Machiavelli* does not mention any either.

34. See the last paragraphs of this paper.

35. As early as Book II (37 ff.) and later in Books XXII, XXIII and XXIX. See F.W. Walbank's *Historical Commentary on Polybius*, I (Oxford, 1957) ad 2, 38, 6. Also the same author in 'The Achaean Assemblies again', *Museum Helveticum*, XXVII (1970) 129-43, and his monograph *Polybius* (Sather Lectures XLII; Berkeley and Los Angeles, 1972). Now *Commentary*, III (1979) 406.

36. Walbank, *Commentary*, ad 2, 38, 5.

37. Walbank, *Polybius*, 159.

of speech - *isopoliteia* and *parrèsia* - emerged directly from the ideals of the *polis*. Even Rome, when it became an empire, was still regarded frequently as a *polis*.

Roman federalism in Italy seemed more innocent. The alliances with the cities of Latium and with Greek cities in the south could give the impression of an ideal collaboration with interchangeable citizenships and the same reciprocal obligations, but this too ended in failure, and the strongest, Rome, made herself felt, sometimes in a terrible way. Thus we lose Livy, who describes this Italian alliance-forming from the standpoint of an adherent of federal collaboration. No matter how we twist and turn, the examples of the ancients in the field of politics concern the formation of States, not leagues: the conflict between patricians and plebeians, the power of magistrates, the *tribunicia potestas*, and the *imperium* of the highest authorities, these were Rome's contribution to the intellectual baggage of the propertied burghers in the Netherlands of the late seventeenth and the entire eighteenth century.<sup>38</sup> Their definition of 'Union' (Latin: *foedus*) as participation of cities or States in a single league could be an important indication for the student of *Ideengeschichte* and ecclesiastical history.

It might, however, lead to misunderstandings to speak of the purely *theological* doctrine of the covenant of grace in connection with political ideas on alliances or treaties.<sup>39</sup> Even the suggestion should be avoided that a political federal relationship of States was derived from the covenant of grace with God (*Foederaltheologie*), or *vice versa*. What is meant here is God's covenant with man, not mutually accepted obligations of States, in other words exclusively the *foedus* between the Lord and (believing) humanity.

#### IV

In speaking of Polybius we have touched on one of the most important forms of propaganda for ideas: a book which attracts readers. The response of military leaders was impressive. This Greek was certainly not a man who sought popularity; his work is sometimes disturbingly polemical, saturated with controversy, and full of digressions which become so lost in details that the original point is lost. In addition, only fragments of most of it have survived, so that no picture of the whole can be formed. But Polybius had something to tell and he knew it. These

38. Roman history *sub specie ordinum*, as determined by the class conflict, was discussed most impressively by A. Schwegler, *Römische Geschichte im Zeitalter des Kampfs der Stände* (3 vols.; Tübingen, 1853-58). However, Mommsen's *Römische Geschichte* appeared in 1857, just before the last volume of Schwegler's work was published posthumously. This marked the opening of a new era for the study of Roman history.

39. G. Oestreich, *Geist und Gestalt des frühmodernen Staates* (Berlin, 1969) 345 (cf. note 42 below).

are the two conditions for success, and he succeeded, but in the Netherlands not, as already mentioned, until a later period. He had only one competitor, Tacitus, with whom men of letters became familiar in the sixteenth century. J. Bodin, humanist and politician, may speak for all: 'Nullus profecto historicus magistratui ac iudici utilior'. No historian was more useful to both magistrates and judges.<sup>40</sup> The question inevitably arises - it will already have been put by many - as to what share his political views had in influencing the rediscoverers of Antiquity. Here, too, there was a relationship between Polybius and Tacitus.

One of the reasons why Polybius became so authoritative was that he offered the best alternative to the obsession with Tacitus which was typical of the intellectual climate about 1585, especially in Italy and Spain. In more than one sense, Tacitus had become irresistible. He offered exactly that mixture of Machiavellism, moralism, epigrammatic acuteness and pathos which the age liked. But the cooler minds turned to Polybius with relief, as he obviously knew more about war and politics and spoke about a better period. Justus Lipsius, the greatest student of Tacitus - but never a vulgar 'Tacitista' - was the most exact interpreter of Polybius as a military historian.<sup>41</sup>

And with Lipsius we have arrived in the Netherlands.<sup>42</sup>

Forty years ago I risked ending an article on Tacitus with the words: All life has its roots in compromise.<sup>43</sup> To my surprise, I have found that this word, compromise, is the key to the understanding of Justus Lipsius (1547-1609), whose words '...for all religion and no religion are to me one and the same',<sup>44</sup> labelled 'stoicism', unquestionably appealed to many men of letters. The quotation dates from 1582, thus from his Leiden period (1579-91). One wonders how he managed to hold out so long in Holland. Was there more opportunity to work according to the ideal of *beata tranquillitas* than he was willing to admit? To his annoyance, he only succeeded partially in not being touched by the 'conflicts of the world, news of the war, and the gossip and anger of the Dutch'.<sup>45</sup> This annoyance grew,

40. *Methodus in Artis Historicae Penus* (Basel, 1579) 62; cf. Momigliano, *Essays*, 213.

41. *Ibidem*, 91.

42. In *Geist und Gestalt* Oestreich republished two essays on Lipsius, both of which had originally appeared in 1956: 'Justus Lipsius als Theoretiker des neuzeitlichen Machtstaates' and 'Justus Lipsius in sua re' (35 ff., and 80 ff., respectively).

43. *Mnemosyne*, III, 7 (1939) 193-224, 'Alles Leben wurzelt in Kompromiss'.

44. See J.L. Saunders, *Justus Lipsius: The Philosophy of Renaissance Stoicism* (New York, 1955); cited by e.g. K.C. Schellhase, *Tacitus in Renaissance Political Thought* (Chicago and London, 1976) 137 and 223: 'Nam omnis religio et nulla religio sunt mihi unum et idem'. Reservations with respect to Schellhase are justified, for instance where he describes Coornhert (*ibidem*, 137) as 'the ardent calvinist'. He means Dirk Volckertszoon (incorrectly called Theodore). J. Kluydens, 'Justus Lipsius' levenskeus: het irenisme', *BMGN*, LXXXVIII (1973) 19-37, also gives, in my opinion, an inaccurate typification (see note 46). A reference to a very recent volume of studies - *The Stoics*, J.M. Rist, ed., (University of California Press, 1978) - must suffice here for the Stoa.

45. Schellhase, *Tacitus*, 136; Saunders, *Justus Lipsius*, 38.

and ultimately led to his departure. But before that he had made the acquaintance of Dirk Volckertszoon Coornhert, and their correspondence is now, mainly thanks to G. Oestreich, discussed with more understanding for Lipsius than was once the case; formerly, Dutch scholars tended to favour Coornhert in their descriptions of these quarrels.<sup>46</sup>

Tacitus offers many openings: he was a republican at heart, but in later life became reconciled with the principate. The various studies reflect the preference of modern commentators: Tacitus is shown sometimes as the enemy of monarchy and sometimes as its adherent. The same contrast can be found in the evaluations made during the Renaissance. It is hardly surprising that a scholar who chooses to study him was regarded with suspicious eyes in both camps, that of the defenders of absolutism and that of its attackers. Tacitus is a dangerous writer, even today. And his conciseness, sarcasm, artistry, and bias either fascinate or repel. The touchstone for modern research on Tacitus is Tiberius. Tacitus is reviled or praised for his unfavourable evaluation of the emperor. In this field Lipsius knew hardly any other literary sources. Moreover, he had no access to the authentic texts of speeches and edicts that epigraphy and papyrology were later to provide. His judgement is the completely negative one that Tacitus serves up.<sup>47</sup> At the same time he also indulged his own contemporary rancour in comparing Tiberius' misuse of power with that of the duke of Alba:

Truly, how very many things in him [Tacitus] are pertinent to civil matters, to social upheavals, and to jurisprudence; and in the picture of a similar tyrant, how many examples for our times. Well, then, for instance Tiberius, deceitful, steeped in continual

46. Among the recent Coornhert literature mention must be made of what may be called, in the good sense of the word, the popular book by H. Bongers, *Leven en werk van Dirk Volckertsz. Coornhert* (Amsterdam, 1978). On Coornhert's tolerance - and indispensable as summary and especially bibliographically - see G. Güldner, *Das Toleranzproblem in den Niederlanden am Ausgang des 16. Jahrhunderts* (Lübeck and Hamburg, 1968). This author correctly points to the original views of Oestreich (*ibidem*, 12) which make necessary a re-evaluation of the discussion between Coornhert and Lipsius on religious tolerance. However, a warning is not out of place here. Modern misunderstanding of Lipsius' personality and convictions started when J.L. Saunders 'discovered' stoic elements in Lipsius' writings. He found many supporters who gradually began to depict his hero as a stoic humanist and his opponent Coornhert as a Calvinist (e.g. Schellhase, see above note 44). The historical perspective was thus completely distorted. To do justice to the two opponents, a new study, taking account of the different periods in Lipsius' life and the changes in his religious and philosophical attitudes would be most welcome. Highly recommendable is the résumé of the heated controversy between Coornhert and Lipsius by E. van Gulik in *Leiden University in the Seventeenth Century*, 385 ff., with bibliography (393, note 189). Lipsius' *Politicorum seu civilis doctrina libri sex* (1589), against which Coornhert's *Proces van 't Ketterdoden ende Dwangh der Conscientien* (Gouda, 1590) (Trials of heretics and coercion of conscience) appeared next year.

47. For another, and perhaps sometimes too favourable, view, see J.H. Thiel in *Mnemosyne* (1935 and 1936) 'Kaiser Tiberius, ein Beitrag zum Verstandnis seiner Persönlichkeit' (reprinted Darmstadt, 1970).

murders, drenched in the blood of innocent citizens - is that not a distinct image of that bloodied and frenzied tyrant, the duke of Alba? (see note 48).

The delators, (the denunciators of suspects in a Roman society which did not know the public prosecutor), who were a perennial plague, were compared with inquisitors of religious suspects. Lipsius praises Tacitus' reporting of trials:

How prudent Tacitus was about those things, and how apt for our time with its heretics going about burning books! Indeed, he wrote that when a certain man wrote something too freely about Cassius and Brutus, he was condemned by Tiberius, and his writings were confiscated by the *aediles* and burned (see note 48).

Lipsius did not find it difficult to make contemporary allusions in lectures, that great temptation for every teacher of history. The analogies are inescapable, and the lecturer could be certain of both attention and appreciation. Nothing is less apposite than two extremes in the evaluation of this and similar passages. They are not evidence of political action on Lipsius' part; a political career such as Bodin pursued in France did not attract him. Nor are these 'hints' purely rhetorical exclamations, and therefore to be disposed of as 'mere bombast'.<sup>48</sup> It was in Jena in 1572 that Lipsius first drew the comparison with Alba; an applicant for a position in this protestant university would certainly have taken the reaction of his audience into account,<sup>49</sup> and we are justified in wondering whether his allusions and contemporary examples were later the same as those he had used in Jena or Leiden. But this does not suffice to make such discursions bombast. They show the living scholar in the situation in which he found himself in his time. They explain why Antiquity could have a stimulating influence on the many who came to know Lipsius from his word or writings. The modern response to Polybius and Tacitus rightly takes into account in the first place the gigantic labours of the scholars of the Renaissance. We must not, however, forget their pupils, 'ordinary' burghers, many of them jurists, who expected or even encouraged contemporary parallels from their teachers. In this kind of application of history, the teacher can be expected to know more than the layman. 'The intrinsic value of Lipsius' contribution to the interpretation of Tacitus is a matter of opinion, but his contribution to the reputation and popularity of Tacitus cannot be exaggerated'.<sup>50</sup> But he never wrote a political commentary on Tacitus, although his lec-

48. Schellhase, *Tacitus*, 119: 'His references to the duke of Alba were mere bombast'. Quotations in English given above are derived from *ibidem*, 118-19. For the Latin text, see next note.

49. *Orationes octo Jenae potissimum habitae e tenebris erutae* (Darmstadt, 1607) oratio II, 28 ff. Momigliano, 'The First Political Commentary on Tacitus', *Essays*, 205-29.

50. *Ibidem*, 206.

tures in Jena, from which I have just quoted, remain 'one of the most dynamic applications of Tacitus to politics in the Renaissance'.<sup>51</sup>

A lack which cannot be compensated for was referred to in the last part of this discussion: the *viva vox* of the teacher, his engagement with the present, perhaps also his improvisation in his teaching. This does not hold for J.J. Scaliger, since the very personal features of his lectures, which have been so important for his influence, are to be found in the *Scaligerana*. To the best of my knowledge, similar sources are not available for Lipsius, or for Casaubonus, or for all their predecessors in the publication and elucidation of such great historians as Polybius and Tacitus. As a result, our picture of the inspiration provided by Antiquity is incomplete and therefore leaves us dissatisfied. One bit of information has been preserved, and I willingly pass it along. In some cases we know how many copies of these historians were printed. Here I must rely on a modern publication which I have not been able to check, but the results are partially in agreement with expectation after a study of the citations from ancient writers and the commentaries on certain passages, quoted by later scholars.<sup>52</sup> Judged from the number of editions, the Romans take precedence over the Greeks, which will surprise no one. This is a question not only of popularity but also of familiarity with the language. 'Small Latin and less Greek' held for old and young. Among the historians, Sallust takes the lead. For our subject he is of no interest:

He is valued for his ethical pessimism by edificatory writers and can also be acclaimed as *nobilitatae veritatis historicus*. Only Cicero and Virgil surpass him in estimation.<sup>53</sup>

Sallust's *Coniuratio Catilinae* went through 282 editions in 250 years; Tacitus' *Germania* followed with 164 editions, the *Annals* and *Histories* with only 152. Polybius, on the other hand, only attained 36 editions, including both the original text editions and the translations. For Tacitus we find *Germania* in 109 of the former and 56 of the latter, the *Annals* and *Histories* together 75 and 80, respectively; for Polybius these numbers are equal, 18 and 18. The number printed per edition is estimated for the translations at about 1,000, and fewer for the Latin and certainly for the Greek editions. Before 1500, the numbers were also much

51. Schellhase, *Tacitus*, 118. Lipsius made no original contributions to the studies on Polybius. His contemporaries (e.g. Scaliger) were well aware that Greek was not his strongest subject.

52. For the following, see P. Burke, 'A Survey of the popularity of Ancient History 1450-1700', *History and Theory*, V (1966) 135-52.

53. R. Syme, *Sallust* (Berkeley and Los Angeles - Cambridge (U.K.), 1964) 301. The Latin qualification is from Augustin, *CD.*, VII, 3. Syme mentioned three important studies on Sallust's literary influence in later times: E. Bolaffi, *Sallustio e la sua fortuna nei secoli* (1949); F. Schindler, *Untersuchungen zur Géschichte des Sallustbildes* (Thesis; Breslau, 1939); K. Büchner, *Sallust* (1960) 362.



smaller (a few hundred) than those for the seventeenth century. Burke assumes an average of 1,000 books per printing. After 1600, Tacitus became more popular and eventually took the lead from Sallust: not only the *Germania* but also the major historical works had more editions than Sallust's *Catilina*. In general, however, the peak for the historians lies between 1550 and 1599.<sup>54</sup> The increasing influence of Tacitus between 1550 and 1650 is often attributed to the turbulence in Europe during this period, the higher frequency of civil war and revolution. Tacitus had lived in comparable situations. It was Justus Lipsius who in 1572 recommended him to an audience drawn from the university and the magistracy, in the lectures he gave as candidate for a chair in Jena, the lectures which were to do more for his fame than anything else. A recommendation from so great an authority but also one so clearly involving personal motives should on solid historical grounds be accepted by a posterity having less authority and no private motives whatever. Polybius continued to be mainly an historians' historian. Tacitus conquered the world again and again. Thus, their disparity is not absolute. The word mainly was not used arbitrarily to qualify Polybius' influence. Over the centuries, historians were certainly not his only readers; and if some of them were already historians, they were not only that, sometimes not even primarily.<sup>55</sup> The American founders gave him an important place. - This lies outside the scope of the subject assigned to me, but it seemed necessary to indicate this line, and for two reasons. The first is that

classical allusions are predominantly Greek; twice as many Greeks as Romans are mentioned by name, despite the fact that Roman history and Latin literature were generally better known to most Americans than even Greek. The reason for this emphasis is presumably the subject matter, for which the Greek States seemed more applicable models than did Rome.

This conclusion was drawn in a study on *The Federalist*, one of the journals in which the Founding Fathers published their opinions.<sup>56</sup>

54. The above is not subdivided according to countries. The more general conclusions, unsupported by figure, to be found for England in R.M. Ogilvie, *Latin and Greek. A History of the Influence of the Classics in English Life from 1600 to 1918* (London, 1964), show the same picture but here for the period between 1600 and 1800.

55. See G. Chinard, 'Polybius and the American Constitution', *Journal of the History of Ideas*, I (1940) 38-58.

56. Europe also showed a distinct trend toward Greek studies in the first half of the nineteenth century. Two of the sources which have not been investigated in this respect are the *gymnasium* (grammar school) programmes, to which shorter studies on Greek constitutional history were added, and the essay competitions organized by learned societies. Examples of such studies are those on the Greek cities of Tarent and Thurii in southern Italy, or even Marseille, R. Lorentz, *De civitate veterum Tarentinorum* (Leipzig, 1833); A. Bruckner, *Historia Reipublicae Massiliensium* (Göttingen, 1826) and Th. Mueller, *De Thuriorum Republica* (Göttingen, 1838). In the Netherlands this phenomenon

But a second reason for mentioning early America is that those who found their inspiration in Antiquity did not forget their economic present. This contribution may close with a quotation from Hamilton about this Union, here and now perhaps daringly applied to the United Netherlands.

The importance of the Union, in a commercial light, is one of those points about which there is least room to entertain a difference of opinion, and which had, in fact, commanded the most general assent of men who have any acquaintance with the subject.<sup>57</sup>

was still manifest in 1878, J.H. Moll, 'Tarentina', in *Bericht omtrent het Gymnasium te Deventer* (Communication concerning the Gymnasium in Deventer).

57. For America, see the collected essays in *Classical Traditions in Early America*, edited by John W. Eadie (Ann Arbor, 1976) particularly 119-38: George Kennedy, 'Classical Influences on the Federalists', which gives further references. The two quotations are taken from this article, i.e., 121-22 and 135 respectively (cited from Hamilton in the eleventh *Federalist* Paper).

# The Example of the Dutch Republic for American Federalism

J. W. SCHULTENORDHOLT

We may derive from Holland lessons very beneficial to ourselves.

John Marshall in the Convention of Virginia 1788.

I

History is philosophy teaching by examples. That famous saying expresses the eighteenth-century approach to the past better than long explanations. The philosophers and political scientists of the Enlightenment were eager to find examples to justify their actual deeds and opinions. Perhaps the deepest reason for this quest for an imitable past is to be found in their belief in the unity of Western civilization. There was a great chain of being, not only in space, as has been so magnificently described by Arthur Lovejoy, but also in time.

The presupposition of such a belief in the cohesive patterns of the past was the conception that there had been, through the ages, a certain uniformity in human behaviour. Man had never changed, that is why history could be used as a model. As David Hume put it:

Mankind are so much the same, in all times and places, that history informs us of nothing new or strange in this particular. Its chief use is only to discover the constant and universal principles of human nature.

The task of the historian was not in the first place to understand the past for its own sake, but, as Carl Becker remarks, to choose between good and evil, 'between the customs that were suited and those that were unsuited to man's nature'.<sup>1</sup> That is exactly what men like James Madison and his friends were to do during that long summer of 1787 when they drafted the Constitution.

Such a use of history was certainly lacking in depth. Even an historian like Peter Gay who writes about the *philosophes* with so much understanding and sympathy, has to admit that 'the idea of uniformity kept the philosophes' vision relatively flat'. Kingsley Martin had already used the same word when he characterized the historical writings of Voltaire as 'flat': 'he judges all institutions good or

1. Carl L. Becker, *The Heavenly City of the Eighteenth-Century Philosophers* (3rd. ed.; New Haven, 1961) 95, 108.