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## THE LIBERTY OF SERVANTS AND THE LIBERTY OF CITIZENS

Italy is a free country, if by free we mean that neither other individuals nor the state can prevent us from doing as we choose. Everyone can do the things they want, provided that they have the resources and the ability: they can live where they like, express their own opinions, associate freely, vote for one candidate or another, criticize those who govern them, educate their children as they think best, profess this or that religion or profess no religion at all.

You might persuasively argue that actually many Italians cannot attain goals that they would like to pursue: they are unable to live in security, to enjoy an education worthy of the name, to avail themselves of adequate health care or minimal social services, leaving aside the fact that access to public honors and careers is governed by ironbound laws of patronage and that vast swaths of the national territory are under the control of organized crime. Still, the stumbling blocks that prevent many from achieving their goals are the result of misgovernment or corruption or inequality, not coercion

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imposed by force, with the exception of organized crime and the Mafia. If we can rightly point to violations of liberty only in cases where fundamental civil and political rights are suppressed by force, then we Italians are, generally speaking, a free people.

We can turn to the opinion of respected philosophers to find support for the idea that a country in which citizens can freely exercise and enjoy political and civil rights is a free country. Benjamin Constant, for instance, in his *Œuvres complètes*, *Liberty of Ancients Compared with that of Moderns*, makes a distinction between the liberty of ancient peoples—which “consisted in exercising collectively, but directly, several parts of the complete sovereignty; in deliberating, in the public square, over war and peace; in forming alliances with foreign governments; in voting laws, in pronouncing judgments; in examining the accounts, the acts, the stewardship of the magistrates; in calling them to appear in front of the assembled people, in accusing, condemning or absolving them”—and the liberty of modern peoples, which consists in “the right to be subjected only to the laws, and to be neither arrested, detained, put to death or maltreated in any way by the arbitrary will of one or more individuals,” in “the right of everyone to express their opinion, choose a profession and practice it, to dispose of property, and even to abuse it; to come and go without permission, and without having to account for their motives or undertakings,” in “everyone’s right to associate with other individuals, either to discuss their interests, or to profess the religion which they and their associates prefer,

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or even simply to occupy their days or hours in a way which is most compatible with their inclinations or whims,” and lastly, in everyone’s right “to exercise some influence on the administration of the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled to pay heed.”<sup>1</sup>

More than a century after Benjamin Constant wrote those words, the philosopher Isaiah Berlin, in his essay “Two Concepts of Liberty” (1958), explains that true liberty consists of the fact that no man or group of men interferes with my activities and coincides with the area within which “a man can act unobstructed by others.”<sup>2</sup> There also exists another idea of liberty, positive liberty, which springs from the desire to be masters of ourselves and to take part in the shaping of the laws and regulations that govern our lives. Although such a desire is legitimate, Berlin warns us, the ideal of positive liberty has historically been a disguise for tyranny. Therefore, true liberty is negative liberty. In more recent years, Fernando Savater has summarized in the following words the most common understanding of the word *liberty*, the definition most frequently utilized in everyday conversations and in political discussions: “[The word *liberty*] refers to a situation in which there are no physical, psychological or legal impediments that prevent us from acting in the way we wish to act. In this sense, a person who is not tied up, imprisoned, or in some way paralysed is free to move, to come and go; a person who is not subject to threats, tortured or drugged is

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free to speak or remain silent, to tell the truth or lie; a person who is not excluded or marginalized by discriminatory laws or does not suffer under extreme poverty or extreme ignorance is free to participate in public life and run for office.”<sup>3</sup>

The problem is that liberty, if understood as an absence of impediments, is not in and of itself the liberty of citizens. Instead it can be the liberty of servants and subjects. The clearest possible statement of this idea can be found in the words of the political philosopher who first described it, Thomas Hobbes, in chapter 21 of *Leviathan* (1651): “Liberty, or freedom, signifieth properly the absence of opposition,” and therefore “a freeman is he that, in those things which by his strength and wit he is able to do, is not hindered to do what he has a will to.” To dispel any potential doubt, Hobbes goes on to tell us that such liberty is “consistent with the unlimited power of the sovereign.”<sup>4</sup> The same warning is repeated by Isaiah Berlin, for that matter, when he notes that liberty understood as an absence of impediments can also be the liberty of servants or subjects conceded by an absolute sovereign.<sup>5</sup>

If the masters or the sovereigns are good, or weak, or foolish, or they have no interest in oppressing them, the servants and the subjects can enjoy the freedom to do more or less as they please. Classical comedies feature many examples of slaves or servants who are happy because no one is hindering or oppressing them. The servant Tranio in Plautus’s *Mostellaria* can satisfy any whim he may have, as Grumio, a less-fortunate country slave, resentfully points out: “While

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you choose to, and have the opportunity, drink on, squander his property, corrupt my master's son, a most worthy young man, drink night and day, live like Greeks, make purchase of mistresses, give them their freedom, feed parasites, feast yourselves sumptuously. Was it thus that the old gentleman enjoined you when he went hence a broad? Is it after this fashion that he will find his property well husbanded? Do you suppose that this is the duty of a good servant, to be ruining both the estate and the son of his master?" His condition is actually enviable: "What would you have to be done?" laments poor Grumio. "It isn't all that can smell of foreign perfumes, if you smell of them; or that can take their places at table above their master, or live on such exquisite dainties as you live upon. Do you keep to yourself those turtle-doves, that fish, and poultry; let me enjoy my lot upon garlick diet. You are fortunate; I unlucky. It must be endured." Tranio is perfectly well aware of his good fortune, and he does not perceive servitude as a burden at all: "You seem, Grumio, as though you envied me, because I enjoy myself and you are wretched. It is quite my due. It's proper for me to make love, and for you to feed the cattle; for me to fare handsomely, you in a miserable way."<sup>6</sup>

Truffaldino, to cite one modern example, is even the servant of two masters and does whatever he likes: he eats, he drinks, and he earns money. He bemoans his state when he feels that his masters are not good to him: "When they say we ought to serve our masters with love, they ought to tell the masters to have a little charity toward their servants."<sup>7</sup> It

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happens sometimes that he is beaten, but that's not a huge problem, considering his advantages: "I don't care that for my beating! I have eaten well, I've dined well, and this evening I shall sup still better; and as long as I can serve two masters, there's this at least, that I draw double wages."<sup>8</sup> Serving two masters may be behavior that is less than entirely honest, but in the final analysis, it's excusable: "Yes sir, I did, that was the very trick. I took on the job without thinking; just to see what I could do. It did not last long, 'tis true; but at any rate I can boast that nobody would ever have found me out, if I had not given myself away for love of this girl here. I have done a hard day's work, and I dare say I had my shortcomings, but I hope that in consideration of the fun of the thing, all these ladies and gentlemen will forgive me."<sup>9</sup>

The liberty of citizens, or republican liberty, is quite another matter. It does not consist of not being hindered, or in merely not being oppressed, but rather of not being dominated, which is to say, not being subjected to the arbitrary or enormous power of another man or other men. By arbitrary power I mean the power of someone who can impose his will when and as he pleases, with no restriction by other powers. An enormous power is a power that is far superior to that of other citizens, so powerful that it can sidestep the sanctions of law or do with them as it pleases. According to the current understanding of such matters, our liberty can only be suffocated by the actions of other men; according to the republican conception, the liberty of the citizen dies because of the mere existence of an arbitrary or enormous power.

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Even if the arbitrary or enormous power has established itself through legitimate methods and operates on behalf of its subjects or servants, its very existence makes the citizens servants.

Even though I have previously written about this topic, it is useful to clearly outline the concept of dependency and the difference between dependency and interference. In order to do so, let me make use of a few examples: a tyrant or an oligarchy that can oppress without fear of incurring the sanctions established by law; a wife who can be mistreated by her husband without being able either to resist or obtain reparation; workers who can be subjected to all sorts of abuse, both trivial and grave, by their employer or by a superior; the retirees who must rely on the whims of an official in order to receive a pension that is legitimately due to them; sick people who are obliged to rely on the willingness of a physician to receive treatment; young scholars who know that their careers depend not on the excellence of their work but on the caprices of their professor; citizens who can be tossed into prison arbitrarily by the police. In none of the cases that I have just described is there any interference: I did not describe a tyrant or an oligarchy that oppresses; rather, they *can* oppress, if they so choose; I didn't say that the husband mistreated his wife, only that he *can* mistreat her without fear of retribution from the law. The same thing is true of the employer, the doctor, the professor, the official, and the policemen that I mentioned. None of them prevents anyone from pursuing the ends that they wish to pursue; no one is interfering with

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anyone else's life. The subjects—the wife, the workers, the elderly, the retirees, and the young scholars—are all completely free, if by liberty we mean not being hindered or constrained. But they are, at the same time, in a condition of dependency, and therefore servants, if we reason in accordance with the principle of the liberty of the citizen.

Let me add that the concept of liberty as the absence of dependency on an arbitrary or enormous power is based not on an evaluation of intentions, but rather a realistic observation. Whether the intentions of those who possess arbitrary or enormous power are good or evil is entirely irrelevant. The problem is that those who have arbitrary or enormous power can easily impose their own interest and that this power engenders a servile mentality in those who are subject to it, with all the retinue of qualities and actions such as adulation, vicious gossip, inability to judge clearly, identification with the words and actions of the signore, scorn for the generous and great hearted, cynicism, indifference, simulation, abuse of the weak and bullying of one's adversaries, lack of an inner life, and obsession with appearances. These ways of thinking and living are incompatible with liberty because liberty demands that citizens be unwilling either to serve humbly or dominate arrogantly.<sup>10</sup>

The idea that being free means not being subject to enormous or arbitrary powers has been upheld by many authoritative political writers of antiquity and modern times. Cicero, after clearly stating that true liberty exists “only in that republic in which the people has the highest power” and

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where there is “an absolute equality of rights,” summarizes in just a few words the essence of the concept: “liberty . . . does consist in having a good master, but in having no master at all.”<sup>11</sup> This conception was borrowed and developed by the Italian jurists and political philosophers of the Humanist period. With few exceptions, they insist on the idea that the essential element of political liberty is independence from the arbitrary power of a man. For that reason, they identify the liberty of a city with its power to endow itself with statutes and laws. In contrast, they consider a city to be in servitude that had received statutes and laws from the emperor or which was obliged to ask for the emperor’s approval. The source that the jurists cite for their interpretation of political liberty as an absence of personal dependency is Roman law, and in particular those passages in which a free person is defined as a person not subject to the dominion (*dominium*) of another. The opposite of the free condition is the servile condition, which is to say the condition of an individual who depends on the will of another.<sup>12</sup> Following in the path of the same tradition, Machiavelli explains the concept of liberty of the citizen with such clarity that no comment whatever is required: “free men” are those who are not “depending on others,”<sup>13</sup> while the status of the citizen is the opposite of that of the slave: “born free and not slaves.”<sup>14</sup>

This concept of liberty has been defended both by liberal political authors and by their republican counterparts. Suffice it to quote from two examples, John Locke and Jean-Jacques Rousseau. Locke states that the true liberty of a n

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individual is “to dispose and order freely as he lists his person, actions, possessions, and his whole property within the allowance of those laws under which he is, and therein not to be subject to the arbitrary will of another, but freely follow his own.”<sup>15</sup> Rousseau writes that “a free people obeys, but it does not serve, it has leaders but no masters; it obeys the laws, but it obeys only the laws, and it is due to the strength of the laws that it is not forced to obey men.”<sup>16</sup> If we study the sources of republican and liberal political thought, both ancient and modern, the answer to the question—“what is the liberty of the citizen?”—is always the same: to be free does not so much mean not being hindered or oppressed as much as it means not being dependent on a man or certain men who have an arbitrary or enormous power over us. The lack of liberty then is not only the consequence of actions that we undergo against our will, but it can also be a simple condition. To put it very concisely: if we are subjected to the arbitrary or enormous power of a man, we may well be free to do more or less what we want, but we are still servants.

Before we move away from history and begin examining the present day, it is indispensable for us to explore two fundamental aspects of the liberty of citizens, first and foremost the relationship between liberty and the law. According to the ideas that dominate in our times, liberty is greater, the fewer in number and the weaker the laws that limit our possibilities of action. Here too the political thinker we should cite is the one who more than anyone else detested the liberty

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of the citizen, Thomas Hobbes. In fact, he explains that laws are like “artificial chains” that are fastened to the lips of the sovereign and terminate in the ears of the subjects as well as binding their hands. Let us abandon the metaphor: laws bind, impede, and hinder and therefore the “liberty of a subject” consists, properly speaking, only in those actions that the sovereign has neglected to discipline by means of civil laws. The smaller the area of activity that is regulated by laws, the greater the liberty of the subjects.<sup>17</sup>

In contrast, the liberty of citizens is not a liberty *from* laws, but a liberty *through* or *in virtue* of laws. In order for there to be true liberty it is necessary for everyone to be subject to the laws or, in the words of the classical precept, that laws be more powerful than men. If, in a state, instead there is a man who is more powerful than the laws then there exists no liberty for the citizens. In fifteenth-century Florence, without any open and systematic use of violence, the Medici established an enormous power, so great that they were able to violate or dominate the laws and therefore made the city their servant. That is why we read in the *Ricordi* of Filippo Rinuccini, an opponent of the Medici, that a republic that wishes to “live in liberty” should not allow a citizen “to be more powerful than the laws.”<sup>18</sup> About Piero de’ Medici, the son of Cosimo the Elder, Rinuccini wrote: “So it was clearly visible that he was manifestly a tyrant in our city; for this is what happens when one is allowed to become too much greater over all the others, which is something that is deeply pernicious in

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a republic, and always leads to this outcome.”<sup>19</sup> Machiavelli echoes him in the *Discourses on the First Ten Books of Titus Livy*: “That a city could not call itself free where there was a citizen who was feared by the magistrates.”<sup>20</sup>

The contrast between the liberty of subjects (liberty *from* laws) and the liberty of citizens (liberty *through* laws) becomes clear when we read a n a musing passage from *Leviathan* in which Hobbes is attempting to persuade us that there is actually no difference between the two liberties, and that the citizen of a republic where the rule of law prevails is just as free as the subject of the most absolute of sovereigns: “There is written on the turrets of the city of Luca in g reat characters at this day, the word LIBERTAS; yet no man can thence infer that a p articular man has more liberty or im-munity from the service of the Commonwealth there than in Constantinople. Whether a Commonwealth be monarchical or popular [republican], the freedom is still the same.”<sup>21</sup>

What Hobbes fails to understand, or pretends not to understand, is that in a (n oncorrupt) republic both the governors and the governed are subject to civil and constitutional laws, while in Constantinople the sultan is above the law and is free to dispose arbitrarily of the property and the lives of his subjects, thus obliging them to live in a co ndition of dependency, and therefore without liberty. In spite of all of Hobbes’s dialectical efforts, the liberty of citizens and the liberty of subjects and servants are profoundly different.

That the liberty of citizens and the liberty of subjects inspire wa ys o f t hinking a nd li ving t hat a re im possible t o

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reconcile is unmistakable if we consider the relationship between liberty and virtue. In current opinion, liberty is a possession that we hold and that we can enjoy at our pleasure. We do not need to live in one manner rather than another or do something particular *in order* to be free. The liberty of the citizen, in contrast, is not a possession that one has and one enjoys, however we may live, but the reward that we receive if we do good, or if we perform our civil duties.

The reason that liberty is not a possession that can be enjoyed but a reward for duties performed is easy to understand if we look at the realities of life. In every population and throughout history (to a lesser or greater degree) there have been and there are men who like to dominate other men, climb ever higher, and be always at the center of things. To attain their objective, they accumulate and consolidate great powers in many different ways. If we wish to prevent a single man from establishing his dominion over the polity, it is necessary for the citizens, or at least the wiser ones, to perceive the danger before it is too late and be able to identify the best ways to defend the common good. They must also show that they possess virtues, to use an old but still appropriate term, and in particular prudence and courage. If, due to their stupidity or cowardice, they fail to oppose the powerful men who wish to dominate them, they will lose their liberty. For a subject or a servant, to be free means only to have liberty and enjoy it without interference or hindrance; for citizens it is the reward for having acted in accordance with virtue.