



**Catalin Avramescu**

## Abnormals of all nations, unite!

*On the exceptionality of political liberty*

Can a democratic constitution be called "normal", something we can expect? Historically, an exemplary constitution has been the exception to the rule: according to political philosophers from the classical period to the nineteenth century, "Imitating or perpetuating this constitution requires exceptional strength, skill, and determination." Today, writes Catalin Avramescu, what is worrying is not so much the number of failed democracies as the extensive misuse of democratic institutions, symbols, and practices.



It is nice to be normal, isn't it? It provides one with a feeling of security and reassurance. And it comes in two varieties. The first is the "levelling" sort of normality: *We're as normal as you are*. Here, normality is a shared set of features. The other is the "exceptionalist" approach: *We're normal, you aren't*. Here, "normality" is appropriated by one group at the expense of others, the "scum of the earth", the lumpen of human existence. Predictably, both uses are at work in the never-ending history of love and hate that defines social bonds.

I will not proceed to "deconstruct" the concept of "normality" — not only because I am not longer certain what "deconstruction" is, but because I now have a different axe to grind. My aim is to introduce a third perspective, one in which normality is seen as fundamentally evil. I will claim that this perspective was standard throughout much of the history of political science, insofar as the latter pertained to the question of the State. Finally, I will examine the relevance of this finding against the background of the current period.

First, a word on the concept of "Political Science", which we commonly see as that section of social science that churns out general truths about the institutions and actors of political life. Never mind that political scientists themselves have difficulty spelling out what these general truths might be. We often assume that classical and early-modern political philosophers and theorists shared this outlook. However, this is to read our own values and standards in the texts of the classical political philosophers. In truth, if their approach were to be summarized, it would emerge as the exact opposite to that of the Moderns. It was not general principles and laws that were the focus of classical and early-modern political and moral philosophers, but the individual instance. Thus, their approach could better be described as "casuistic".

Even Plato, the quintessential defender of Form, was interested in the typology of political regimes only to point out the unique status of Kallipolis. In *Laws*, his most voluminous political work, he takes a predominantly empirical

approach to the problem of the ideal constitution. As for Aristotle, he notes in *Politics* that Plato's classification of political regimes is too simple to account for the endless variety of states. He and his disciples therefore embarked on a grand enterprise to chart the dozens of constitutions of the Greek cities, a project of which all that remains today is the *Athenian Constitution*, re-discovered by chance on the back of a papyrus used by an Egyptian farmer for his bookkeeping. In truth, a book like Fortescue's *De Laudibus Legum Angliae* (In praise of the laws of England) is much more representative of the output of the pre- and early-modern authors than Hobbes's "scientific" treatise *De Cive*.

In fact, it is hardly an exaggeration to claim that the history of political science until the eighteenth century is the history of theories on what I will refer to as the "exemplary constitution". What is the exemplary constitution? It is a form of government with unique characteristics (or rather with a unique combination of characteristics), praised as the supreme model of the body politic. The exemplary constitution is not simply a monarchy or an aristocracy, but a special formula of monarchy or aristocracy. It is not an abstract model or a utopia but a real regime, and it is to be imitated as much as it is to be analyzed.

Given the exalted status of the exemplary constitution, it comes as no surprise that only a very limited set of regimes have made it into the learned treatises of the political philosophers, historians, and moralists. The quintessential exemplary constitution was, of course, Rome (republican or imperial). Sparta was the other great example of Antiquity (strangely so, since much of the literature praising it was written by Athenian authors) and even found admirers in the second half of the eighteenth century (witness Rousseau). Ancient Israel also figured in discussions on the exemplary constitution, especially during the Reformation, though its double status (divine and secular) makes it a special case among special cases. During the Renaissance, it was Venice that commanded most attention, while the English constitution was perhaps the last to hold exemplary status in pre-nineteenth century political thought. Occasionally, we find references to other regimes such as those of the United Provinces, Corsica, or Switzerland, but there can be little question that Rome, followed by Sparta, Venice, and England enjoyed absolute dominance in the writings of the philosophers eager to discover supreme examples of well-ordered states.

If there is a common feature of this series of apologias, from Polybius to De Lolme, then it is the emphasis on political liberty. Certainly, this does not always translate into a high regard for personal freedom — not infrequently the opposite is true. It is the liberty of the commonwealth that is valued above anything else: the wise arrangement of laws allowing political participation for the upper tier of the citizenry, and supremacy over neighbouring cities and states, enabling independent policy. Gasparo Contarini (*De magistratibus et republica venetorum*, 1531) and Donato Giannotti (*Della repubblica de viniziani*, 1526) on Venice; Giovanni Vincenzo Gravina (*De Romani Imperio*) and Walter Moyle (*Essay on the Constitution and Government of the Roman State*) on Rome; or David Hume (essays on the English constitution) — these are just a few examples of this group of writings.

It is now time to reconnect this story with our main theme: normality. We hold "normality" to be something we should assume, if not cherish (providing we do not re-interpret normality as "mediocrity", which is very different). However the authors of the discourse on exemplary constitutions did not adhere to this view. For them, the exemplary constitution was by no means "normal". On the

contrary: they considered it a highly improbable, if not unique, result of a number of causes and circumstances. Imitating or perpetuating this constitution, they thought, required exceptional strength, skill, and determination.

The main reason, though, for this scepticism towards normality has to do with the analysis of the nature of man and of the body politic. According to traditional authors, individuals and states, left to their own devices, have a natural tendency to slide towards subjection of the worst kind. The best demonstration of this was provided by the jusnaturalists from Grotius and the Spanish Scholastics to Locke, Wolf, and Rousseau. The Law of Nature was not the immediate foundation of the law of civil freedom; Hobbes contended that life in the state of natural liberty is "nasty, brutish and short".

To simplify: we have two apparently opposed perceptions in the universe of traditional political theory. From the Greek orators, who praised the liberty of the polis to Hegel on the role of freedom in Western history, we discover on the one hand an emphatic defence of freedom as realized in the exceptional constitution. On the other hand, many of the same authors adopt a bleak stance on the capacity of "others" to raise themselves to the standards of the exemplary constitution. In particular, there is a strong feeling, first cultivated in Europe by the Greek observers of the Persian monarchy, that non-European states are un-free in the highest degree, and thus the opposite of an exemplary constitution.

These perspectives are, in truth, two sides of the same coin. They originate in the belief that political liberty, on the one hand, is exceedingly rare. Despotism, serfdom, oppression, and anarchy, are, on the other hand, commonplace. Either because these are consequences of the fallen nature of the human individual, or because the institutional arrangements required in order for political liberty to exist are extraordinarily complicated. Whatever the reason, religious or secular, numerous thinkers in Europe focused on a limited set of free constitutions that they considered worthy of emulation; at the same time, they rejected the "normal" political constitutions of European and non-European societies. In the development of European political theory, normality was not predicated as a political ideal, but on the contrary, something to be guarded against.

Today, we believe that democracy is the "normal" state of a society. We are probably wrong. The overwhelming weight of evidence should have taught us that organized freedom is just as exceptional today as it was during the time of the Republic of Venice. It appears that the vast majority of societies are suited to producing cheese, shirts or, indeed, books. Very few, however, have been able to produce political liberty.

If we were to count the number of countries that have been able to maintain, uninterrupted, a democratic regime for the duration of a lifetime (70 years, let's say), we would have to exclude the vast majority. In effect, only the US, Canada, Australia, New Zealand, Sweden, the UK, and Switzerland would fully qualify. Three of the seven states here listed might have become Soviet republics during the Cold War if not for the military might of the United States. Some of the countries that joined the European Union in 2004 and 2007, such as Bulgaria or Slovakia, have no democratic record worth mentioning. Even "respectable" states such as Spain, Greece, or Italy have spent most of their modern history balanced between civil war and

authoritarianism.

Many countries today classified as "free" or "democratic" fail to satisfy even the most basic criteria of modern democracies. Take Romania, for instance, as of 1 January 2007 a member of the European Union. For the last decade, most of its "legislation" has not passed through Parliament but been issued directly by the executive in the form of "emergency decrees". The prime minister, Tariceanu, leads a PNL–UDMR government supported only by less than 20 per cent of the Parliament. Most if not all elections since 1990 have been widely criticized by both internal and external observers as rigged, including the 2003 referendum for the revision of the constitution. On this occasion, public officials appeared on TV to advertise a raffle with cars and home appliances as prizes for those who bothered to show up and vote "Yes". There are practically no independent newspapers or magazines and certainly no independent television channels. For Romanians, it was a revelation to watch on television in September 2007 a surveillance film that unmistakably showed a current and a former minister accepting bribes. The second part of the film was never aired after the director of the station, an appointee of the Social Democrats, declared the film "unfortunate". In order to block the criminal prosecution, the government issued another decree suspending an article of the constitution referring to the criminal liability of the members of the executive. When the constitutional court recently declared the decree to be unconstitutional, the head of the lower chamber of parliament, who happens to be the prime minister's son-in-law, tried to block the publication of the court's decision.

What is truly worrying is not simply the number of failed democracies. It is rather the extensive misuse of democratic institutions, symbols, and practices. Thus, presidential elections become an opportunity to propel to power an unstable demagogue (Venezuela) and parliamentary elections an opportunity for the business oligarchy to buy political influence (Ukraine). From Thailand to Bolivia, from Russia to the Gaza Strip, democracy everywhere has been perverted beyond recognition; often, demagogues do not even that pretend theirs is the "Western" variant of democracy. Francis Fukuyama's contention that we are witnessing the final triumph of "liberal democracy" sounds increasingly shallow. The perception of the classical authors is probably truer. Free states are precious few, beacons of light in the dark and boundless ocean of despotism.

How did we get here? Partly due to a reversal in the fortunes of the theory of exemplary constitutions. In the nineteenth century, exemplary constitutions fell out of fashion, especially in the emerging states of eastern Europe, Asia, and Latin America. A more optimistic mood prevailed. If modernity had succeeded in a few European states, then anyone could do it, right? Perhaps even do better, especially if one added a dose of socialism or nationalism to concoct an individual recipe of "emancipation". Pamphlets and manifestoes were written that showed how abnormal and unjust the situation of the nations at the periphery of capitalism had become.

Against this background, the standard references of classical political theory started to fade. The fate of liberalism is telling. In the eighteenth century, liberalism was essentially an aristocratic doctrine, infused with republicanism and preaching a responsible, grave, and ironic freedom, inspired by the Roman example. It was certainly very different from the faceless and amorphous doctrine we know today.

The rise of influence of the French model was also significant. While it is wise to guard against sweeping generalizations, we should, nevertheless, admit that the role of France has been largely malign. It is the origin of the two of the most warped ideologies ever visited on mankind: communism and fascism. After 1800, France also managed to export its administrative model to an unsuspecting world, above all to eastern Europe, where France was considered, culturally and politically, as a role-model. The Civil Code and the institutions of the French state became an inspiration for reforms. The result, however, was largely unappealing. A society swamped in bureaucracy, taxpayers saddled with punitive taxes in order to finance an inefficient and useless system of "social benefits", a corrupt and self-serving judiciary, and intellectual elites with a taste for etatism. Interestingly, France enjoyed a very different status in the writings of the theorists of exemplary constitutions. With very few exceptions, they believed France to be an example of bad polity, unlike Rome, Venice or England.

What, then, is to be done? A shade of realism would be a good place to start. There has been too much historical optimism in the last two decades while facts were pointing into an entirely different direction. No, most nations do not want to be free. Most intellectuals have no clue as to how a society might be free. Most politicians do not dream of governing free states. And yes, abject servitude is the normal state of mankind. If we wish to be a shade better, we better realize how "abnormal" the status of a free man is, and how exceptional and improbable the modern experience of democracy.

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