

CONSTRUCTING A LEGAL CULTURE FOR THE GLOBAL AGE:

A Machiavellian and Ramist approach

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Abstract

In a time of twenty-first century technological advance and globalization, the events of what historians call *The Renaissance* and *The Reformation* seem distantly in the past, no longer relevant. It is easy to forget, however, that the fifteenth and sixteenth centuries were also a time of world exploration and technological transformation; sometimes called the first globalization.

Like the world of the twenty-first century, the fifteenth and sixteenth centuries were a time when new methods of law converged with new aggregations of wealth to establish new and more expansive mechanisms of governance. Perhaps most of all, it was a time when human experience began a transition in learning, and finally, to a fixed structuring of what is called the *modern* mind.

These changes that took place in a confined geographic region of the historic past now include all regions and all peoples of the Earth. The twenty-first century is also an age of concentrated wealth, an expanding atmosphere of law, and a time when the mind of a global public is being redirected from a *modern* to a *postmodern* way of understanding.

The purpose of this paper is to show historic parallels in a way that might provide useful insight for the present-day global project. The emphasis will be on two pivotal figures, Niccolò Machiavelli and Pierre de La Ramee, and how they came to provide an ethic and a mode of thought that would shape governing relations between the *praestantae*, the elite, and the *popolo minuto*, the common people.

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Keywords

Machiavelli – Ramus – Politics – Law - Knowledge

1.

What historians have come to call the *Italian Renaissance* is usually understood to be a time of artistic and literary creation, a rebirth of ancient learning, the advent of scientific experimentation, and the beginning of a technological transformation. Truly, it was all these things as any visit to modern Florence or Venice will attest. But it was also and equally a time of intrigue and subterfuge, of violent uprising, revolt, and military invasion. It saw the cruel suppression of the *popolo minuto*, the common

people, by the *praestantes*, the wealthy *elite*. It was torn by rampant corruption, political reprisal and judicial terror.¹

In fact, what is called *The Renaissance*, and its influence that spread northward to all of Christendom, erupted from a collision of several irreconcilable forces. First, because of a rediscovery of ancient Greek and Latin writings it became an incredibly fertile ground of ideas. This led, in turn, to a rebirth of philosophy--but not in the modern sense of abstract speculation and institutional academics. Instead, at that time, philosophy developed on the ancient *Stoic* pattern as a way of life, a guide to conduct in both public and private affairs.

It encouraged guidance by what came to be called a *Divine Light* that was said to permeate the universe and existed naturally in all humans. *Renaissance Philosophy* also emphasized the importance of *embodied knowledge* expanded through the mnemonic capacity of the human mind. All these teachings followed on the ancient idea of *Sensus Communis*, that if men were given opportunities for cultivation and learning, they could substantially govern themselves; religious moralizing and the authority of law would be a mere supplement. In short, these rediscovered doctrines taught by Petrarch, Ficino, and Mirandola at the *Accademia Fiorentina* emphasized the cultivation of *wisdom* and harmony of the self. Most importantly, these teachings were not confined to a few devotees. Instead, the ideas spread among the Italian cities and then, eventually, across all of Europe.²

A second major influence during *The Renaissance* was a resurgence in the importance and study of jurisprudence. There were new approaches to understanding the ancient *Corpus Juris Civilis* that departed from the scholastic tradition handed down through the universities. Certain professors and practitioners of law attained an almost celebrity status, becoming close advisors to popes, emperors, and kings. This period

¹ Kristeller, *Renaissance Thought and the Arts* (Princeton University, 1990). Martines, *Power and Imagination: City-states in Renaissance Italy* (New York: Alfred A. Knopf, 1979).

² Misa, *Leonardo to the Internet: Technology & culture from the Renaissance to the present* (Johns Hopkins University, 2011). Kallendorf, *Humanist Educational Treatises* (Harvard University, 2002). Reydams-Schils, *The Roman Stoics: Self, responsibility, affection* (University of Chicago, 2005). Hadot, *What is Ancient Philosophy?* (Harvard University, 2003) & *The Veil of Isis: An essay on the history of the idea of nature* (Harvard University, 2006). Yates, *The Art of Memory* (London: Pimlico, 2000).

of legal inventiveness and confidence also produced an astonishing number of legal treatises and provoked an equal number of juristic debates. New impetus was given to an expanding work of *Reception*, or adoption, of revised and expanded judicial codes across all of Christendom. One result was the rise of what historians call the *New Monarchies*, especially under Ferdinand and Isabella in Spain, Henry VII in England, and Louis XI in France. Their kingdoms posed a challenge to the judicial reorganization, sponsored by Emperor Maximilian I that was intended to strengthen and standardize imperial administration. As a result, the Empire mostly failed in its legal project as it came to be assailed on every side by emerging and legally aggressive republics, commonwealths, and principalities.³

The tendency to jural inventiveness was also manifest in three other dramatic ways. First was within the *Curia Romana* of the Church in what historians call the *Conciliar Movement*. This movement claimed that ultimate governance in the Church rested, not with the single personage of a Pope, but with assembled councils, or courts--a doctrine with profound implications. Along with that constitutional change at the top, a second marked development spread throughout the dioceses. It was the proliferation of ecclesiastical tribunals during a period called by historians, somewhat misleadingly, *The Inquisition*. New legal instruments and codes were employed on an unprecedented scale to ensure uniformity in religious belief and practice.⁴

However, the third, and perhaps most important legal influence during this period, was a growing, powerful, and widely dispersed merchant class. The *popolo grosso* represented a new level of opulence that had first appeared in Venice, Florence, and Genoa and had spread northward across Latin Christendom. The original Italian city-states, centers of finance and trade, had come to wield a power comparable to that of popes and emperors. In the north, various ruling princes, attracted by the potential inflow of tariff and tax, granted monopoly charters to bankers, factors, and traders. Towns, burghs, and free cities, under royal sponsorship comprised, in effect, self-

³ Gilmore, *Humanists and Jurists: Six studies in the Renaissance* (Harvard University, 1963). Radding, *The Origins of Medieval Jurisprudence* (Yale University, 1988). Maclean, *Interpretation and Meaning in The Renaissance: The case of Law* (Cambridge University, 1992).

⁴ Bellomo, *The Common Legal Past of Europe 1000-1800* (Washington, D.C.: CUP of America, 1995). Stein, *Roman Law in European History* (Cambridge University, 2004). Peters, *The Inquisition* (University of California Press, 1989).

governing urban polities. They existed independently of the general law of Christendom and were aloof from customary habits that prevailed in rural manor and village. As concentrations of population and wealth, the merchant enclaves became increasingly powerful, eventually overawing both the ecclesia and the warrior nobility.⁵

2.

But as important as these developments of philosophy and law were, there were other developments of equal importance. Especially, the ruling families of the Italian cities began to undergo a transformation after around 1450, based on three converging elements. First were rediscovered writings that provided a formula for governance based on the training of an aristocratic class. This *studia humanitatis*, as it was called, set forth in the writings of Cicero and Quintilian, outlined a course of instruction that began with the boy, continued through adolescence, and into young manhood. It taught the refinements of manner and speech combined with a bearing of *sprezzatura*, an effortless superiority. Such men, by their very person, would command respect and loyalty, even submission from others. This ancient learning, when combined with the enormous wealth of long-established commercial and familial ties, produced an aristocratic fellowship that eventually reached from Italy and Spain, up across France to the Hanseatic cities on the Baltic. The effect was to create a new and compelling basis for timocratic rule, as the merely wealthy *grosso* became the eminently refined *praesantae* of aristocratic stature.⁶

The second important element in the rise of a new order of rule was a developing alliance between the wealthy and powerful merchant families and a learned, ambitious legal caste. Both were cosmopolitan in outlook and both enjoyed great prestige as well as a certain independence from the institutions of Church and Empire. Together this combination of monetary wealth and legal knowledge created a force that would transform Italy and then move the center of historical change to Northern Europe.

⁵ Lesaffer, *European Legal History* (Cambridge University, 2009)

⁶ Maclean, *The Renaissance Notion of Woman: A study in the fortunes of scholasticism and medical science in European intellectual life* (Cambridge University, 1992). Kallendorf, *ibid.*

They left behind the period of history called *Il Rinascimento*, leading to the *Praestante Riformazione*, ultimately making possible the *modern* world. However, despite the importance of class, wealth, and learning, none of these profound changes could have taken place without the appearance of another essential catalyst of change: what were called the *Three Great Inventions*: maritime compass, gunpowder weapons, and the printing press.⁷

Improved navigation brought, exploration, increased trade, and unimaginable wealth. The new weaponry brought a decline of the old knightly warrior and the beginning of *total war*, conflict in which all levels of the population were involved. Finally, the printing press brought an availability of books, widespread literacy, and a proliferation of novel ideas. But its moveable type also provided the ability to print Bibles, law codes, and entire literatures in the various regional languages. This weakened the hierarchy of ecclesiastical and imperial rule that had been conducted exclusively in universal Latin. Factions within the legal stratum combined with an aristocratic merchant class and armed with the new technologies formed such an overwhelming force that it could not be successfully resisted.⁸

But while discrediting the old Empire and Church was relatively easy, overthrowing their universal authority, their deeply held doctrines, together with the knightly virtues of fidelity and honor would be much more difficult. Moreover, creating their replacement, conceiving and establishing a new form of rule based on aggregated wealth, entitlements of class, and the instrument of encoded law, would be even more difficult. The beginning of a solution to this problem was put forth by a man who quintessentially embodied the many converging elements of the time—ancient learning, legal training, proximity to wealth, and use of the printed word. What that man, Niccolo Machiavelli (1469-1527), advocated was not written in detached and abstract theoretical terms; such an intellectualized approach to conceiving power

⁷ Febvre, *The Coming of the Book* (London: Verso, 1997)

⁸ Eisenstein, *The Printing Revolution in Early Modern Europe* (Cambridge University, 2012). Rhodes, *The Renaissance Computer: Knowledge and technology in the first age of print* (London: Routledge, 2000)

would come later. Instead, Machiavelli understood the ultimate principle of rule to be simply the power of men over men. He set forth an *ethos* of rule.⁹

There are many ways to interpret and understand the most famous book by Machiavelli, *The Prince*. It has come down through academic study as a virtual handbook of treachery. But when read against events of the time as well as the more extensive writings by the same author, especially his *Discourse on Livy*, it becomes clear that he was attempting to resolve the chaos and violence that was convulsing all of Italy and would soon spread across all of Europe. In fact, any malevolence spelled out in *Il Principe* would be equaled or exceeded by the later writings of Calvinist, Puritan, and Hobbesian authors. Also, when the *Praestante Reformatione*, the Aristocratic Reformation, moved north of the Alps in what historians now call the *Protestant Reformation*, it would result in more than a century of bloodshed. There was a large incentive for the perpetrators to shift blame for the carnage to a long-deceased Florentine. But whatever his intention or fault, he had at least set forth in brutally straightforward terms the reality of deadly force that would come to permanently underlie the various forms of modern rule.¹⁰

3.

The beginning of what is called *The Protestant Reformation* is usually associated with the name of Martin Luther who began his revolt in Germany in 1517. Although the role of Luther can scarcely be overstated, in fact, the career of John Calvin a generation later would have a much more extensive and profound effect, one that would last into modern times. Obscuring this fact is the practice of historians to portray *The Reformation* as a religious event, which it was. However, during the sixteenth and seventeenth centuries questions of religion were inseparable from question of law. The two realms of theology and jurisprudence were inextricably bound together, two sides of a coin. Hence, the religious innovations associated with the Calvinist movement were equally important in the development of Western law. In fact, the

⁹ Leon Strauss, *Thoughts on Machiavelli* (University of Chicago, 1995).

¹⁰ Machiavelli, *The Prince* (Oxford University Press, 1984). Viroli, *Machiavelli* (Oxford University, 1998). Mansfield, *Niccolo Machiavelli: Discourses on Livy* (University of Chicago, 1998).

young Calvin, trained in law at the University of Orleans, would approach even his ecclesiastical work in an unwaveringly legalistic manner.¹¹

In the *Foederatio Mundi*, world system, he set out to construct from his headquarters in Geneva, Switzerland he rejected out of hand the forms of governance associated with the past of Christendom. He also dismissed both the *polis* of the ancient Greeks and the *civitas* of the Romans, just as he rejected any version of the *Sacerdotium et Imperium*. Instead, he chose to construct his new system of rule on the theocratic legalism of *Talmudic Judaism*. In doing so he built his *Respublica Hebraeorum* on two doctrinal assumptions; First was the principle of human depravity. For Calvin human nature was inherently rapacious and corrupt. But he did not lament those characteristics, instead he attempted to harness them for purposes of ruling. This led to the next premise: The idea of a *Chosen*, an *Elect* of Ministers and Magistrates who would teach the doctrines of God to the multitude and who would wreak punishment on all transgressors.¹²

The main population who made up the Calvinist movement combined attributes of wealth and law and, for the first time, was equipped to challenge the old Latin order. That was especially true because of the other development of his time that defined the work of Calvin, the printing press with moveable type. Lacking both the exalted majesty of the Church and the deeply embedded ancestral ties of the nobility, the Calvinists found a stable basis for public order in the fixed text, especially the *Bible* and law code. The movement was nothing if not a phenomenon of the printed word. Calvinism in its many variants would not have been possible without Gutenberg.¹³

Similarly, it was the effectiveness of the new gunpowder weaponry that made possible both the overthrow of the old order and the imposition of the new one. But the extreme measures employed inevitably provoked a reaction in opposition. Northern Europe was plunged into a virtual civil and religious war that lasted for a century. The scale of death and destruction is thought by some historians, at that time, to have

¹¹ Gorski, *The Disciplinary Revolution: Calvinism and the modern state* (University of Chicago, 2003).

¹² Nelson, *The Hebrew Republic: Jewish sources of European thought* (Harvard University, 2010). Cunaeus, *The Hebrew Republic* (New York: Shalem Press, 2006).

¹³ O'Malley, *Trent and All That: Renaming Catholicism in the early modern period* (Harvard University, 2002). Nelson, *The Hebrew Republic: Jewish sources of European thought* (Harvard University, 2010).

been the most catastrophic in human history, with millions of victims, and some regions almost entirely depopulated. Moreover, in the process of judicial consolidation thousands were tortured and executed for crimes of heresy, apostasy, and witchcraft—Michael Servetus, Edmund Campion, and Giordano Bruno as the most famous examples. Historians view this as one of the dark moments of human existence.¹⁴

In fact, the greatest obstacle faced by the Calvinists was the repeated uprising of commoners and peasants, what is now called the *Radical Reformation*. Although dismissed as illiterate rabble by the deeply learned Calvinists, this may not have been accurate. In fact, the printing press had reached an ever-widening circle and had created a highly literate public—and for the Calvinists, that was a danger. Eventually, there came to be a great revulsion toward the extreme cruelties and the sectarian bitterness of *The Reformation*, even a turning against the use of religion as the educative element of government. There began a search among leading lights of the age to discover a new basis of instruction that could replace religion as a foundation of rule. What was required was a new paradigm, a new *methodus*, or *method*, on which to base the structure of rule. There was a need for a new way to teach the common public the habit of compliance.

4.

Not until the innovation of Peter Ramus (Pierre de La Ramee, 1515-1572), in France, during *The Reformation*, was there the possibility of a solution to this problem. Ramus, professor of law and rhetoric, and a founder of the *College de France*, took a first step toward forming what is called the *modern* mind. His approach, like the *Studia*, involved a program of study among those of the *Praestantae*, or *Elect*. However, Ramus offered an alternative to a religious, sacral, or miraculous view of the world, providing it instead, with an impersonal and objectively defined way of apprehending. All persons would still experience their subjective, intuitive musings, they could retain their religious beliefs in private life. But for purposes of governance, those dimensions of the self would be effectively excluded. Although Ramus posed his revolutionary new

¹⁴ Gorski, *ibid.*

plan of inculcation as an attack on Aristotle and on the medieval university, its more direct significance is apparent when viewed as a counter to the *Renaissance* philosophies of personal conduct espoused in the writings of Petrarch, Ficino, Mirandola, and later, of Bruno.¹⁵

Ramus developed his program by taking elements of the *Ars Rhetorica* and reassembling them to be the basis of a new way of apprehending the world. It is not necessary to repeat the complicated minutia of content he intended to teach in his program to objectify understanding. His attempt was an abject failure and is of only antiquarian interest. But it is important to view his contribution as an opening to a transformation in ways of engaging the world. It provided a way of *Being* different from that which naturally inhered in every person and that rests on holistic consciousness and intelligence. Instead, it was based on a uniformly disseminated structure of *Thought*—and it was to be instilled through the mechanical function of the mind, the *Intellectus*. It was a *method* of collective understanding only made feasible by the innovation of print.¹⁶

Until that time, persons of every rank and status understood themselves and their surroundings in natural ways, that combined the physical senses, learning of the mind, and intuition. Both subjective and objective, qualitative and quantitative, external sensation and internal sensibility were employed. In medieval Europe, this way of understanding had come to be expressed in the vocabulary of Christianity and its deeper meanings interpreted according to Christian doctrine. But that outlook on life was, in fact, quite primal, animistic, or what *modern* historians call *enchanted*. What *The Renaissance* had done was not to suppress these tendencies. Instead, its leading lights sought to probe these patterns of human awareness in a considered way, articulate them in a rational manner at a high level of sophistication, and publish them to the world.¹⁷

¹⁵ Craig, *The Enchanted Glass* (Westport: Greenwood Press, 1975). Martines, *ibid*, 1979). Ong, *Orality and Literacy* (London: Routledge, 2012)

¹⁶ Febvre, *ibid*. Ong, *Ramus: Method and the decay of dialogue* (Harvard University, 1983).

¹⁷ Yates, *Giordano Bruno and the Hermetic Tradition* (London: Routledge, 2015). Bertboud, *Peter Ramus: Precursor to Descartes against the confessional reformed faith* (Monticello: Psalm 78 Ministries, 2020). Popkin, *The History of Scepticism: From Erasmus to Descartes* (New York: Harper Torchbooks, 1968).

At the outset, Ramus engaged two of the more disruptive teachings of *The Renaissance*. First was the cultivation of *wisdom*, of inner balance, self-control, and reflection, what had been the basis of order and harmony among all traditional peoples. Even though Medieval Christendom was not a thoroughly traditional society, it still retained in its agrarian way of life many of the attributes of *wisdom*, often expressed in *Biblical* quotations, ancient aphorisms, or even sayings of pagan origin. The capacity for *wisdom*, as the Florentine *Stoics* taught, exists in the natural intelligence of every person—and that was precisely the problem: its influence could unite and embolden the multitude. In fact, this harmonizing effect as a basis of unity had become the nucleus of a united opposition against the ruling stratum both in the career of the Italian monk Savonarola and in the recent peasant uprisings.¹⁸

Finally, and perhaps most importantly, Ramus attacked what until that time had been the primary form of instruction and learning in both the *scholastic* tradition at the university and among the common population of manor and village. That was oral transmission by the reader, lecturer, or elder, together with the highly developed faculty of memory retention, the *ars memoriae*. The mnemonic tradition had begun in the tribal age, continued through the ancient and medieval periods, and to *The Renaissance*, when it had been refined to a very high level. Until that time, Christians, like Moslems and Jews, were widely capable of what in the modern age would be considered incredible feats of memorization—including the entire *Quran* or *Zohar*, or large parts of the *Bible*. This practice was a survival from an age when books were enormously expensive, and the reputation of a famous university might be based on the possession of a few treasured volumes. But it was enormously important as an experiential type of learning that led to a profound type of embodied knowledge.¹⁹

But Ramus vehemently opposed these *Renaissance* teachings, and no doubt recognized this form of transmission as being in direct competition with authorized instruction. Under the new regime, for purposes of rule, oral transmission and mnemonic retention were known to be uncontrollable, and therefore a threat to order. Ramus worked hard to eliminate the widely practiced *Art of Memory*. Henceforth, learning

¹⁸ Baylor, *The Radical Reformation* (Cambridge University, 2007). Ong, *ibid*, 2012.

¹⁹ Yates, *The Art of Memory* (London: Pimlico, 2000). Assmann, *Cultural Memory and Early Civilization: Writing, remembrance, and political imagination* (Cambridge University, 2011).

would be by reading or by lecture based on content stored within the covers of a book. The instrument of the book could be employed to direct and control the dissemination of learning.²⁰

In fact, the Ramist system of order would not be founded on *wisdom*. It would instead be a structure of rules founded on specialized *knowledge*. That *knowledge* would be limited to those who had access to the books or to the institutions where it was dispensed. Ramus conceived the idea that the whole of life for purposes of governance—politics, law, monetary exchange, relations of production, habits of consumption, legal norms, and punishments—could be understood as an impersonal complex of calculations and proofs. It was an approach that exactly coincided with the use of mathematical and objective fact employed in the measurements and calculations of finance and trade. His program was not concerned with ultimate questions of meaning or existence. Instead, it concentrated on the immediate and practical problems of wielding power based on the mechanical aspect of the mind. Equipped with an exclusive *knowledge*, the *Intellectus* was shaped to a certain framework. An abstracted, objectified, and authoritative reality for an entire ruling class was made possible by mechanical print and the ability to produce myriad identical copies of a text.²¹

5.

The significance of this shift for purposes of rule can be seen when viewed in contrast with the unique achievements of *The Renaissance*. For Ramus, relations of persons and things would no longer be based on the cultivation of natural harmony, from the bottom up, as it were. Instead, they would be achieved by applying an explicit order from the top down. Individual members of the ruling caste would not only employ the arts of manner and speech learned from the *Studia Humanitatis* They would also

²⁰ Caruthers, *A Study of Memory in Medieval Culture* (Cambridge University, 2008. Ong, *ibid*, 1983).

²¹ Feingold, *The Influence of Petrus Ramus: Studies in sixteenth and seventeenth century philosophy and sciences* (Basel: Scwabe & Company, 2001). Poovey, *A History of the Modern Fact: Problems of knowledge in the sciences of wealth and society* (University of Chicago, 1998). Aho, *Confession and Bookkeeping: The religious, moral, and rhetorical roots of modern accounting* (State University of New York Press, 2005).

be guided by a fixed structure of *knowledge* and that structure would be held exclusively by them.²²

In the first instance, Ramus shifted the basis of governance from *truth* to *fact*. *Fact* was that which is objectively verifiable or quantifiable by the human senses, or by human reason. In contrast, *truth* was considered a personal, internal, and subjective matter. The commonly held view was that there were as many truths as there were people, although at some point all truths were expected to comprise one all-encompassing *truth*—for Ramus, recent experience showed this view to be dangerous. Philosophers of *The Renaissance* had taught that, even in its infinite variety, truth and more importantly, truth telling, was the necessary basis of harmony across all regions and peoples. However, when Ficino taught this as a facet of the *Divine Light* inherent to all persons, those in authority knew that persons infected with such an understanding could become dangerously ungovernable.²³

In 1498 Savonarola, for example, was convicted of heresy and sedition and burned at the stake for espousing such doctrines. Later, during *The Reformation* these ideas came to be suppressed on a massive scale in trials for heresy and witchcraft. Most famous was the case of Giordano Bruno, found guilty on such a charge in 1600, and burned alive at the stake. Any claim of sacred essence common to all human beings would be excluded from the adjudicative and educative mechanisms of rule. Among the unlearned multitude, persons who looked inward to the self, followed too closely their conscience, or invariably spoke the *truth*, could pose a grave threat to public order.²⁴

Another basic idea for Ramus was that *logic* in public discourse became, not primarily an instrument for finding truth, as in the case of philosophical dialogue, but rather an instrument of persuasion, as in a commercial negotiation or sophistic argumentation. For purposes of governance, the principles taught in the new regimen of instruction

²² Skalnik, *Ramus and Reform: University and church at the end of the Renaissance* (Kirksville: Sixteenth Century Essays & Studies, 2002). Reydams-Schils, *The Roman Stoics: Self, responsibility, affection* (University of Chicago, 2005). Graves, *Peter Ramus and the Educational Reformation of the Sixteenth Century* (Delhi: Facsimile Publishers, 1912/2017). Thomas 1997).

²³ Poovey, *ibid*, 1998. Eamon, *The Professor of Secrets: Mystery, medicine, and alchemy I Renaissance Italy* (Washington, D.C.: National Geographic, 2006).

²⁴ Martines, *Fire in the City: Savonarola and the struggle for Renaissance Florence* (Oxford University Press, 2006). Yates, *ibid*, 2015. Maclean, *Interpretation and Meaning in The Renaissance: The case of Law* (Cambridge University, 1992).

were not to be evaluated on the basis of whether or not they conformed to any conventional standard, or innate human sense of veracity. Instead, his principles would exist in an abstract and objectified realm of artifice. They would be evaluated on the basis of practicality: whether or not they could be taught and whether or not they would work. For Ramus, the new purpose of instruction was not necessarily human enlargement or expression. Instead, in the new understanding, *Being* would become separated from and subordinated to *Thought*. The new man would not be an organic, unified, natural entity, but would now be divided within himself, centered in a constructed mind, and with that mind shaped according to a standardized formula.²⁵

6.

The credit for originating this approach to training a ruling class in abstract imagination, calculation, and facticity—and diminishing the natural capacities of *wisdom, memory, and truth*—goes to Peter Ramus. But he was not able to work out a plausible and unified knowledge system that could effectively supplant the teachings of religion. Thus, after his death in 1572 there began, within leading circles of a convulsed and divided Christian world, the search for what was called a *methodus*, a *method*—a plausible system of knowledge that could be universally applicable, a *novum organum*. In the next century this search very famously concluded with two highly successful alternatives. One was the experimental *Natural Philosophy* of Francis Bacon—what is now called the scientific method. At almost exactly the same time Rene Descartes set forth a way of comprehending existence based on workings of the mind, itself—what came to be called *Rationalism*.²⁶

Both men stood at the crucial intersection of law and learning. Bacon, who trained as a Civil advocate at Trinity College, Cambridge and as a barrister at Grays Inn, was Lord Chancellor, highest ranking legal officer in England. His evidentiary, or empirical, approach made it possible to view the universe objectively, as a machine, unclouded by subjective inclination. Descartes had graduated in law from the

²⁵ Rhodes, *The Renaissance Computer: Knowledge and technology in the first age of print* (London: Routledge, 2000). Gilbert, *Renaissance Concepts of Method* (Delhi: Facsimile Publishers, 1960/2013). Ong, *ibid*, 1983.

²⁶ Poovey, *ibid*. Ong, *ibid*, 1983. Aho, *ibid*.

University of Poitiers, in France, but had given up legal practice to write his first book, *Rules for Direction of the Mind*. His later work, *Discourse on Method*, marked the symbolic beginning of modern philosophy. In its new incarnation, philosophy was no longer the cultivation of *wisdom* for living life and conduct of affairs, based on ultimate values. Instead, philosophy would become the province of academic debate, the elaboration of concepts and speculations. It would devolve into irresolvable questions regarding the nature of language, mind, and knowing. Nonetheless, the two men, Bacon and Descartes, had originated two ways of thinking able to supplant religion as a basis of authoritative rule and public order.²⁷

It should be noted that in this new way of thinking the validity of personal intuition, subjectivity, or religious sensibility was not questioned. Nor was it doubted that dreams might have real meaning, or that special gifts of healing were given to some. Beyond that, it was not questioned that spirits existed, intimations from the dead were possible, that divine or demonic beings were everywhere and every-day present. The *Ramist* author Jean Bodin made this clear in his widely translated book, *Demonomanie*. In fact, such beliefs were almost universally held among all factions—including the early scientists Copernicus, Kepler, and Galileo. These beliefs were held by Churchmen, peasants, townsmen, jurists, lawyers, nobles, kings, Moslems, and Jews. The point was that these beliefs and these intimate human apprehensions—valid or not—had to be excluded from the new mechanisms of legal rule and its correlate, the system of *knowledge* by which legal authority was made palatable. Miraculous gifts admired during *The Renaissance* now came to be grounds for prosecution in trials for witchcraft and heresy—not because their efficacy was doubted, *but because they were believed to be real*. Authorized religion in this new understanding was no longer a religion of miracles; for purposes of legal rule, the age of miracles was determined to have passed. Instead, the favored idea of religion would become, in effect, one of inculcated belief in doctrine, institutional truth, and morality. It would be taken from the printed text and preached to those who were subject to constituted authority.²⁸

²⁷ Tambiah, *Magic, Science, Religion, and the Scope of Rationality* (Cambridge University, 2006). Hadot, *Philosophy as a way of life* (Oxford: Blackwell Publishing, 2002).

²⁸ Kuhn, *The Structure of Scientific Revolutions* (University of Chicago, 2012). Ankarloo, *Witchcraft and Magic in Europe: The period of the witch trials* (University of Pennsylvania, 2002). Porter, *The Cambridge History of Medicine* (Cambridge University, 2006).

7.

One lesson of the sixteenth and seventeenth centuries was that every legal culture must have two aspects, the adjudicative and the educative. A judicial authority might impose itself temporarily by brute force, *in terrorem*. But to establish itself with stability and continuity the public must come to understand that authority in terms of the benefit it confers. They must be instilled with the habit of compliance. Since medieval times that educative need had been filled by the tenets of religion. Unsurprisingly, those men of *The Reformation* who led the initial assault on the medieval Church and Empire, Luther and Calvin, framed their argument in religious terms as well. At that time the two dimensions of law and religion were thought to be inseparable, two sides of the same coin. It is only modern academic historiography that has retrospectively separated the two elements during that period.²⁹

In fact, with the attempted application of the new paradigms of rule a new crisis arose. Although there existed a basis of unity among the ruling stratum, there was yet to be formulated a corresponding regimen of learning for the public of commoners. If the structure of rule was to be built on either the Baconian or Cartesian *method*, there was the necessity of an educative program by which the public could be indoctrinated as well. Part of that answer began to emerge at Westphalia in 1648. The agreement there not only marked the end of a century of civil and religious warfare on the continent, it also set forth a new type of polity, what came to be called the nation-state. This was an explicitly defined legal structure based in foundation documents and administered by officials bound together by oath. In addition, Westphalia began a trend in Continental governance from Christian theology to secular ideology to fulfill the educative function of rule. But the transition was not an easy one.

The educational innovator John Comenius (1592-1670) put forth a very influential program for the instruction of the common population, preparing them for productive labor and the obligations of citizenship. But his program was probably too ambitious and not yet perfectly constructed. Hence, he was met with much approval in the Protestant regions, but to little effect. Meanwhile, the old medieval universities

²⁹ Franklin, *Constitutionalism and Resistance in the Sixteenth Century* (Cambridge: Pegasus, 1969).

now seemed outmoded and, although the Jesuits made astonishing progress, their colleges and schools were suppressed in many regions. The old unity of thought that had once existed throughout Christendom had been shattered. Numerous academies and societies were established among the privileged, while strict policies of enforced illiteracy were imposed among the common population, notably in England. Doctrines of the newly founded national churches were often vehemently, even violently, rejected. Many non-conformist schismatic sects divided a formerly unified Christian realm. It was plunged into a cauldron of bitter sectarian divisiveness, met with unthinkable acts of judicial terror. Yet, no authorized or canonized body of knowledge had been established. A uniformly recognized source for the creation and dissemination of knowledge based wholly on *Science* and *Reason* had not yet been created.³⁰

The seventeenth century was swept, in effect, by anarchy of learning. Yet, remarkably, perhaps because learning had not yet been institutionalized and made authoritative, the late seventeenth century and the following eighteenth century became one of the most fertile periods of cultivation and learning in Western History. What is called by modern historians, *The Enlightenment*, was a period that seemed to carry on the spirit of *The Renaissance*. It was different in that the traditional doctrines of Christianity had been widely discredited and discarded. It also reversed the Calvinist-Puritan view of human nature as being inherently corrupt. The eighteenth century of Leibnitz, Wolff, Rousseau, Montesquieu, Condorcet, and Jefferson became one of the most fruitful periods in human history for its adherence to reason, its optimistic view of human potential, and its belief in the potential progress of the Human Mind.³¹

8.

But there would once again be dramatic advances in technology during the nineteenth and twentieth centuries. Especially, the steamship, railroad, and telegraph made it

³⁰ Comenius, *The Great Didactic* (Murrells Inlet: Andesite Press, 2017). Sadler, *Comenius and the Concept of Universal Education* (London: Routledge, 2014)

³¹ Martines, *Lanyers and Statecraft in Renaissance Florence* (Princeton University, 1968). O'Malley, *Trent and All That: Renaming Catholicism in the early modern period* (Harvard University, 2002).

possible to extend Western methods of rule to distant continents around the world. Equally important, the answer to the wider problem of education for the modernizing age was finally solved during the nineteenth century with two innovations. First was the founding of the University of Berlin in 1810. It became the prototype for all modern secular, scientific universities. Not only a place for the dissemination of knowledge, it was also a center for the creation of knowledge. The development of new scientific discoveries, new social theories, and new technologies were crucial in the *Age of Empire*. But most of all, with the modern university, knowledge became authoritative, and access became institutionalized. As a source of industrial and military invention the university was essential for any Western Power that sought to capture and colonize unclaimed territories of the Earth. Following closely was a second innovation, a program of public schooling based on the Prussian model of uniform instruction to age-based cohorts. The ideas of Comenius would finally be accepted around the globe.³²

In all these events the importance of technical advance cannot be overstated. With the ability to print in any language, the book was perfect for dividing the world population into governable enclaves, separated according to national programs of education. The book was useful not only for transmitting, but also for concealing knowledge as well. To control the spread of certain types of learning it was only necessary to control the printing presses. Nor was it difficult to restrict the use of certain books to certain institutions and make them accessible only to those with privileged admission. But in the process, religion, as the single educative basis of legal rule, had been surpassed. Instead, highly secularized ideologies were becoming a central factor in the *modern*, Western way of life. The book with its fixed and stable print became an anchor of certainty and stability in a world bereft of the old religious certainties. The territorial nation-state was so successful that it would, in its various iterations, come to cover virtually the entire habitable surface of the Earth.³³

The twentieth century underwent another period of technological transformation. New means of communication, radio, cinema, and mechanized publication were combined with the book and school as sources of public understanding. The new

³² Kuhn, *ibid.* Sadler, *Comenius and the Concept of Universal Education* (London: Routledge, 2014).

³³ Ong, *ibid.*, 2012. Feyerabend, *Against Method* (London: Verso, 1980)

methods became so highly effective that entire national populations could be mobilized for production and war. It was an advance that ended in catastrophe when another technological wonder, the atomic bomb, was first unleashed. However, by late in the twentieth century nuclear power had been harnessed for peaceful purposes and those early communication devices were far overtaken by television, communication satellites, computers, and electronic networks. These devices could be effective regardless of territorial border, geographic distance, or topographic barrier. Suddenly the old national boundaries no longer worked, the old enclaves of rule were being overshadowed by the more adaptable structure for legal ordering of persons and things, the multinational corporation.³⁴

9.

In the twenty-first century project of globalization, just as in the sixteenth century of reformation, the effort to shape understanding goes forward on two levels: among those who rule and those who are ruled over. However, the work of shaping the public mind to what Foucault called *governmentality* no longer relies on religion, books, or even brick and mortar schools. Nor does it rely on a fixed structure of knowledge inculcated in the public mind. Instead, it employs an electronically created virtual reality of timely and continuously streaming *information*. By this means a global multitude is provided with a way to understand the world, and to understand its atmosphere of continuous change as a desirable inevitability. At the same time, those who administer legal rule continue to be grounded in knowledge conveyed in the fixed text of the printed book.³⁵

³⁴ Jacob, *Scientific Culture and the Making of the Industrial West* (Oxford University, 1997). Cutler, *Private Power and Global Authority: Transnational merchant law in the global political economy* (Cambridge University, 2003). Rumble, *The Thought of John Austin: Jurisprudence, colonial reform, and the British Constitution* (London: Athlone Press, 1985). Micklethwait, *The Company: A short history of a revolutionary idea* (New York: The Modern Library, 2003). Maloney, *The Political Economy of Robert Lowe* (London: Palgrave, 2005).

³⁵ Foucault, *The Hermeneutics of the Subject: Lectures at the College de France* (London: Palgrave, 2005). Lumann, *The Reality of Mass Media* (Stanford University, 2000). Smith, *Natural Reflections: Human cognition at the nexus of science and religion* (New Haven: Yale University, 2009)

Yet, despite outward appearances, the difficulties faced by global leaders in the twenty-first century are very similar to those facing the ascendant classes during *The Reformation*. One reason those events might seem dissimilar is that they were cast in a language of religiosity. Christian teachings at that time provided the vocabulary of governance. But the challenge faced by those who seek to govern in the age of globalization is different from that of the fifteenth, sixteenth, and seventeenth centuries, and not only because the technology is more advanced. In addition, the current project of globalization involves people far more diverse than the relatively homogenous population that once comprised Latin Christendom. It includes not only all persons of every ethnicity and locality, but also persons of *modern, pre-modern, and tribal* mentality as well.³⁶

Popular reaction against the project of globalization, although expressed in many ways, can be seen as repeating a contest between those with institutional authority, who have privileged knowledge, against those excluded from the institutions, and who have only a subordinate understanding. It amounts to a resumption [revival?] of the battle that began with a transition from *The Renaissance* to *The Reformation*. A large segment of the global public, immersed in a mediated reality and existential confusion, continues to understand the expanding mechanisms of governance not in abstract terms, but rather as an assertion of power. Perhaps, once again, the *Populists* of today, like the *popolo minuto* of Florence, can only make their voices heard against the *Elites* by gathering in mass at the plaza or arena to openly protest; each twenty-first century nation has its potential Savonarola or Bruno. Just as in Calvinist Geneva or Puritan London, controversies may take place openly in displays of popular discontent, but the deeper implications often involve questions of cosmopolitan finance and judicial authority.³⁷

In the twenty-first century the lessons of Machiavelli and Ramus continue to be relevant, even decisive. The principles set forth by Machiavelli still provide an

³⁶ Giddens, *Modernity and Self-Identity* (Stanford University, 1991). Byers, *United States Hegemony and Foundations of International Law* (Cambridge University, 2003). Strauss, *Law, Resistance, and the State: The opposition to Roman law in Reformation Germany* (Princeton University, 1986). Cusset, *French Theory: How Foucault, Derrida, Deleuze & Co. transformed the intellectual life of the United States* (Minneapolis: University of Minnesota, 2008).

³⁷ Slobodian, *Globalists: The end of empire and the birth of neoliberalism* (Harvard University, 2018). Viroli, *How to Choose a Leader: Machiavelli's advice to citizens*, Princeton University, 2016).

underlying *ethos* of rule, men over men—although it may now be expressed in language less offensive to gender sensibilities. Similarly, the *Methods* built on the work of Ramus have not been superseded, they have only been added upon and adapted. Those who stand at the intersection of law and wealth continue to wield power through a language of calculative rationality. In the twenty-first century, there is no more complex and impenetrable maze of institutional and theoretical imagination than where the artificial realm of legal reasoning meets the abstract realm of finance and trade. When this mass of inventiveness is viewed in a Machiavellian way, the world appears, in fact, to be governed by a few privileged persons imposing their order upon a multitude of subjected persons. It is only the *Ramist* instrument of *method* that obscures this fact.³⁸

New structures for the aggregation of wealth, new adjudicative and educative techniques for ordering persons and things, are being expanded to include the entire habitable Earth, in a project made possible by technological advances. But the global public still must be taught to understand global rule in terms of the benefit it confers, they must be instilled with the habit of compliance. Although the fundamental mechanisms of law have remained remarkably stable, shaping the mind of a global public under the new conditions is a difficult process requiring alacrity and skill. As with the *Three Great Inventions* of the sixteenth century, only advancing technology can make such changes possible. The challenge remains: to construct a regimen of global rule based on instruments of law, aggregated wealth, and a shaping of the public mind. Yet, no matter how technologically advanced, it will be Machiavellian in its *ethos* and *Ramist* in its *method*.³⁹

³⁸ Kennedy, *A World of Struggle: How power, law, and expertise shape the global political economy* (Princeton University, 2016). Domingo, *The New Global Law* (Cambridge University, 2010).

³⁹ Negri & Hardt, *Empire* (Harvard University, 2001). Pocock, *The Machiavellian Moment: Florentine political thought and the Atlantic republican tradition* (Princeton University, 1975). Rose, *Governing the Soul: The shaping of the private self* (London: Routledge, 1995).

