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# *The Mechanics of Freedom*

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**The Republic of Venice**, by Gasparo Contarini, ed. Filippo Sabetti, trans. Giuseppe Pezzini with Amanda Murphy. *Toronto: University of Toronto Press, 2019. 200 pp. \$36.95.*

A proper history of constitutional government has yet to be written. A substantial group of political scientists continues to assert that the American Constitution was created *ex nihilo* by demigods (or demons) imbued with the magical powers of “Enlightenment.” Others at least recognize the importance of the Greek and especially the Roman precedents cited by our constitutional framers themselves but go little further. Many British historians look to their own tradition of mixed and balanced government with sparse textual formalism as an unearned gift of history supposedly still with them or at least capable of resuscitation in a post-Brexit world. More Europeans

see the growth of bureaucratic rule as tied to ordered liberty in a way more salutary than that of the strangling weight it actually is.

Meanwhile, developments during the Middle Ages and in the face of early modern centralization go largely unremarked and misunderstood save among a few specialists and autodidacts. The literature on early modern Europe is dominated by a discourse of state building, in which figures like Machiavelli appear as proponents of constitutional forms and restrictions on power which they actively worked against. It is almost as if political scientists, historians, and legal historians all have been looking forward to the decay or destruction of the formal limitations on power that grew and held sway in the Atlantic world and

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beyond for about three centuries in favor of a more generalized drive toward “authenticity,” “equality,” or some other ideological goal constitutional limitations obstruct. Like the virtues of self-restraint on which they rely, the restrictions imposed by constitutional structures keep the people from what they want at any given moment and so are perceived as unjust limitations on the exercise of their supposed intrinsic benevolence.

The long, important tradition of limitations on centralized power from the estates (nobles, commons, and clergy), from social counterweights, from local rights of self-government, and from the growth of law as an object of respect in its own right, rarely receives the attention it deserves. It is too inchoate, too fragmentary to make for a good story. It is too neutral on ideological issues of the day, from “climate change” to “racial justice” to be of use in contemporary policy disputes. But this tradition was real, and it shaped the constitutional order now passing from our collective lives. Perhaps understanding it a bit more might help us keep hold of that order, or at least understand what we have lost.

Central to constitutionalism’s growth was the multiplicity of authorities that flowered in the late medieval era. These included local and estate-centered legislative and administrative bodies as well as multiple legal jurisdictions and courts. Priests and merchants, for example, had their own codes and courts. And almost no one, not even

most princes, could escape someone’s jurisdiction, even if it was only that of another prince. The early modern era, in which so much local liberty was lost, also was one in which this multiplicity of authorities was wedded in a number of areas to republican government.

Athusius’ work in the Netherlands stands out, here, as significant in establishing the dignity and importance of local communities within the wider commonwealth. But there was no more fertile ground for the growth of constitutional republicanism than the city states of Renaissance Italy. With deep roots in medieval pluralism, Italian municipal liberty relied on a balance of forces, the taming of self-interest and ambition, and a call to virtue. It is deeply unfortunate that Machiavelli’s narrowly martial prejudices have been taken as indicative of this rich tradition, which was as commercial as military, as devoted to freedom as solidarity, and as respectful of genuine piety as concerned to foster civic pride.

Casparo Contarini’s *The Republic of Venice*, newly translated and with an insightful introduction by Filippo Sabetti, is an instructive introduction to the governing mechanisms that make ordered liberty possible. As Sabetti points out, Venice produced a myth of municipal consensus and trust nurtured by public festivals, rules of behavior, and virtuous conduct. The myth of Venice was promoted by the city’s historians, but also by the reality of long-lived republicanism, independence, and

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freedom from long-lasting factional violence. Venice's success also generated a counter-myth, especially within the early modern absolute monarchies, of a greedy and oppressive cabal dependent on spying and torture to maintain both its powers and the false front that supported it. This counter-myth remains powerful as a tool of political centralizers determined to portray local liberty as a form of bigotry and social tyranny devoted to the perpetuation of unjust economic, racial, and religious structures. Only sovereignty understood as centralized and effectively unlimited power can save us from chaos and injustice, on this view. And so politics becomes a competition to gain control over the machinery of government so that one may impose one's will throughout society.

Fear of chaos is far from irrational. But a stable civil social order need not be built on oppressive uniformity. The Venetian reality was one of conflict tamed and overcome through a combination of cultural pride and political mechanisms that built on without crushing local loyalties. Contarini's book "shows how it was possible to have lived institutional arrangements that could serve as a constitutional and political alternative to national monarchies and monocentric states and, at the same time, hold violence in check. Contarini's account demonstrated that violence could be reined in by non-centralized systems of rule."<sup>1</sup>

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1 Sabetti, introduction to Contarini, *The Republic of Venice*, xiv.

As a constitutional republic, Venice was ruled by (mostly) hereditary nobles and holders of bureaucratic posts, with a general populace that held no real political power but was engaged in public life through a multitude of associations. These associations, dedicated to charitable, religious, and occupational (guild) purposes, afforded a scope of action and level of self-government that, while subject to elite oversight, allowed significant scope for independent action. The result was neither modern individualism nor tyranny, but a functioning civil social order that allowed for human flourishing.

As a pre-modern city-state, Venice was constantly battered by outbreaks of plague, potential famine, and warfare that threatened its very existence. Consequently, there was a level of political involvement in everyday life modern republics would have found deeply intrusive prior to our era of pandemic "public health" regulations. Still, it was small-scale intrusion, carried out and overseen by figures familiar and accountable to a people capable of making its displeasure known and ruled by a political system devoted to fostering public virtue and fighting corruption.

Contarini spends the bulk of this slim volume spelling out the means by which the Venetian constitution ordered institutions for legislation and administration. Within the ruling class, balance was sought in rule by the one (the life-termed prince or doge), the few (the powerful, lawmaking Senate), and the many

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(the more numerous Great Council, which included all patricians over the age of 25). But many different interlocking councils saw to functions from overseeing public health measures to ship building. These councils were constituted through rules that mixed chance with intricate procedures intended to filter out personal and group interests.

Fostering accountability and reflection and minimizing factionalism, personal corruption, and violence were central goals. The means were intricate rules of selection, frequent change of officers, and vigorous prosecution of crimes like embezzlement and treason. The role of public prosecutors taxed with preventing and punishing public crimes was uncommonly powerful, organized, and feared. Punishments were severe, even brutal, throughout Europe during this era. In Venice they additionally encompassed shaming that both arose from and fostered public virtue. For example, doges found to have violated their oaths by seeking to seize unconstitutional power were erased from the rolls of public honor; nobles who sponsored officials who ended up embezzling funds were blamed for their poor judgment, and made to reimburse the public purse.

A humanist of great learning, Contarini frequently cites Aristotle in explaining the foundations and workings of Venetian government. He describes the very growth of Venice in Aristotelian terms, as the result of a historical process in which smaller communities joined together,

slowly formalizing relations and limiting the powers of patriarchal leaders. As a collection of smaller units rather than a mere creature of any single will, Venice could achieve stability and flourish only through a balancing of forces and tendencies, from familial houses to even the tendencies of youth and age in effecting the character of public officers.

It may be difficult for modern Americans to fathom the extent of diversity and localism within the city state of Renaissance Venice. For, even within this tiny republic, what we might call federalism was important. Once the island city Venice had taken control over parts of the mainland, one might think that it would have been natural to rule there directly. But Contarini emphasizes the importance of allowing outlying communities to retain significant amounts of self-rule. Directly opposed to Machiavelli's reasoning, Contarini also defends the use of mercenaries in these outlying regions as a defense against the corruption and over-militarization of the Venetians.

Learned Aristotelian that he was, Contarini observed that, the city being necessary for human happiness, it must be built to endure rather than merely expand. This made the rule of law essential to encourage rules and decisions governed by reason rather than passion and personal favor. But the rule of law itself requires that the rulers obey their own rules, and this in turn requires that governing bodies be so constituted as to filter out corruption, including

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family connections. The mechanisms were far from all that was necessary or sufficient to maintain public spirit and order. A strong sense of civic pride and loyalty was encouraged through a system of public honors that rewarded public service.

Venice did not achieve rule untainted by sin. What was achieved was a constitutional order in which powers could be separated and balanced to prevent their abuse and individuals could be effectively en-

couraged to follow constitutional norms. The attention to detail Contarini lavishes on Venice's complex system of election and appointment probably puts this volume beyond the intellectual reach of most undergraduate classes. But, combined with his clear knowledge and application of classic learning and Aristotelian political science, the detail renders this volume important for students of political development and constitutional history.