CHAPTER 17

Empire the Modern Way

The purpose of this paper is to examine an assumption that underlies much modern scholarship on empire, namely, that empire rests on force.¹ My thesis is that this is too limited a point of view. Empire need not rest on force, at least not exclusively, and especially not if it aspires to universality. Indeed, to the extent that universal empire is conceivable at all, it must rely on something else. I would therefore like to draw a distinction between two different types of empire: empire that rests on force and empire that rests on something else, as yet to be defined. I shall call the former empire the modern way and the latter empire the ancient way. That is of course too simple, but it will help to lift the fog. Once we can see more clearly, it will be possible to complicate the picture without distorting it again. Let me just add one caution: empire the ancient way is not to be confused with empire the ancient Roman way.

Let me explain how I arrived at these reflections. I started with an observation: contemporary scholarship seemed strangely unable to come to proper terms with universal empire. It was as though the scholarship could take no look at universal empire at all without assuming that it rested on false ideas and illegitimate foundations. I was not particularly disconcerted by the dismissal of universal empire by those who disapprove of it outright. That universal empire conflicts with modern principles of sovereignty and liberty is a familiar position. That historians living in the modern world should therefore commonly disparage or neglect universal empire is not particularly difficult to understand.

The treatment universal empire received from its friends was intellectually more intriguing. I thought that their insistence on the significance of empire for understanding medieval and early modern politics was on the mark. Yet they did not seem able to escape from the hegemony of their opponents. What was the reason? Was it a kind of narrow-minded pigheadedness preventing

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¹ The literature is vast. For an authoritative study see Koebner, Empire. For a selection of more recent views see Armitage, ed., Theories of Empire. Especially pertinent in the present context is Muldoon, Empire and Order.
modern historians from appreciating the attractions of universal empire? I doubted that. Pigheadedness is scarcely so unevenly distributed. Was it a certain romantic quality in arguments that seemed to deny the very reality of universal empire they were supposed to demonstrate? I noted that universal empire was described as a phantom and a mystical idea. I found a brilliant insight articulated with ironic clarity in the *Persian Letters* of Montesquieu. Rica, writing home to Persia about what he calls the Germanic Empire, points out that

> it is only a shadow of the first Empire, but I believe it is the only power ever on earth not to be weakened by divisions; the only one, I further believe, strengthened in proportion as it loses land, and which, slow though it is to profit by success, becomes invincible in defeat.

Clearly the view of empire as a phantom was something more than a misleading characterization of its political reality. Clearly it carried deep historical conviction, imbued with real historical significance. Yet just as clearly it seemed incapable of putting the political reality of universal empire into convincing language.

This was a puzzle that I wanted to solve. I will not claim that I have solved it. But I have an idea for a solution that I would like to share with you. I found the key in a famous passage in the writings of Bartolus of Sassoferrato (1313/14–1357), the well-known late medieval commentator on Roman law. Bartolus maintained that even those Italian city-states who were not obliged to obey the emperor because of certain privileges they had received from him did

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2 For an influential formulation see Yates, *Astraea*, 1–2: “The transitory and unreal character of the empire of Charles V is the aspect of it usually stressed by modern historians. Whilst not denying its unreality in the political sense, it is the purpose of the present essay to suggest that it is precisely as a phantom that Charles's empire was of importance, because it raised again the imperial idea and spread it through Europe in the symbolism of its propaganda, and that at a time when the more advanced political thinking was discrediting it... These revivals, not excluding that of Charlemagne, were never politically real nor politically lasting; it was their phantoms which endured and exercised an almost undying influence.” Concerning the empire of Constantine the Great, Yates maintains that “it would seem that what is developing here is a species of secular mysticism, or mystical secularism, with the Emperor as a kind of temporal Christ, redeeming man back to the Earthly Paradise with his justice, bringing in a full golden age with his imperial order.” Ibid., 8.


4 See Kirshner, “Bartolo da Sassoferrato.”