Mommsen and Cicero

*Cicero vindicatus*¹

Welcome to all of you, for accepting to deliver a paper for our symposium on *Ciceronianism, European Studies, Eurolinguistics*, that we are holding at this venue of Roma/Tre University and tomorrow afternoon, after a visit to the Ciceronian places, in the splendid main hall of Palazzo Boncompagni, in Arpino. And I have to confess that, on the subject ‘Mommsen and Cicero’, it is really difficult to add something to what I have said in my book.¹ Exploring the historical literature on the nineteenth century, one finds that,

\[\text{under Napoleon III, Jules Michelet was deprived of his place in the ‘Record Office’ in Paris, having refused to take the oaths to the Empire -and we know what taking the oaths to tyrann means, in this country not less than in Germany, last century-; that Victor Hugo, a passionate supporter of republicanism, went into exile to the Channel Islands, refusing even to accept the general amnesty offered by the despot in 1859, but returning to Paris only after the Franco-Prussian war of 1870 and the end of despotism; that Adolphe Thiers said of Napoleon: “Il faut convenir que c’était un scélérat et un fou”; and so many of the most enlightened French minds, whose ideas could not be reconciled with what we call today ‘limited democracy’.}

When thinking of the British literature during this period, we find that John Stuart Mill expressed disappointment

\[\text{Hugo declared Napoleon a traitor to France, and during his exile at Guernsey (1855-1870) he wrote the pamphlets *Napoleon le Petit* et *Histoire d’un Crime*. Both the pamphlets were banned in France.}

1 This paper was delivered on the occasion of the first symposium on *Ciceronianism, European Studies, Eurolinguistics*, held in Roma/Tre University on 23 Sept., and at Palazzo Boncompagni, Arpino, on 24 Sept. 2016.


Call for Papers

A joint symposium of the ‘Euro-Linguistischer Arbeitskreis Mannheim’ and of the scholars who identify with the aims of ‘2000. The European Journal’ will be held at Roma/Tre University on 27-28 September 2017. The themes of the symposium are:


2) *Genesis and Migration of Indo-European Languages*. Research and theories on their origin.

3) *On the origins of the idea of Europe*. Those who would like to take part should send an abstract of their papers, along with a short c.v., to Matthew Fox and Ermanno Malaspina for Ciceronianism, to P. Sture Ureland for Eurolinguistics, to Vincenzo Merolle for European Studies, along with a short c.v., by the end of May.

Theodor Mommsen

This is the second of a number of symposia, to be held in the coming years, in Rome or at other European universities. The underlying idea from a philological point of view is that of analyzing the current development of European languages and of selecting a common vocabulary for Europe and the West. From a philosophical point of view it will be that of promoting the ideas of tolerance and civilization proper to Western democracies.

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at the success of the ‘usurper’, defining Napoleon “the vilest man alive”,3 thus giving the clue to the understanding of how the European world of learning would judge the despot. Obviously, the letter of 1863 from Paris, by Mommsen to his wife, writing that Napoleon ‘has definitely given me the impression of being an eminent man, such that we should have him in our nation’,4 at least perplexes the reader.

A Royalist Historian
Not only this episode, that could be the effect of an extemporary impression. The point is that Mommsen was a royalist historian, a supporter, among other things, of Drummans anti-Ciceroan lexicon. As an historian he was quite superior to Drummans, whose ‘laborious attitude’ he considered not sufficient to produce a true historical work,5 but his tirade against Cicero cannot be forgiven by anybody who has dear the ideas of liberty and social progress. And Cicero is one of the universal geniuses to whom mankind owes so much, at such a point that, to transcribe the words of A.F. Witley, “the world would have been poorer but might have done without Caesar, but if Cicero had not lived, the loss of mankind would have been much greater”.

5 See L. Wickert, Theodor Mommsen. Eine Biographie, Klostermann (Frankfurt am Main, 1959-80), S. 115.

The victory of Caesar and the death of Cicero marked in the reality the end of Republican ideals and the beginning of two millennia of despotism to the modern dictatorships, of that ‘minority of mankind’, to borrow from Kantian words, of which we are now getting rid, with so much toil and effusion of blood. Mommsen’s occasional joining instances that were brought forward by the liberal movements of his youth, which were nevertheless limited in scope -e.g., the Holstein question and his tirades against the all-powerful Chancellor Bismarck in the Reichstag, certainly don’t make of him a liberal historian.

Liberalism is in fact a concept which deeply permeates the innermost soul of a thinker. It is the premise to his own thought. For example, the philosophy of Benedetto Croce since the beginning shows the seeds of how the profoundest concepts of its author, the theorist of modern Italian, but also European, liberalism, will develop. By contrast, the thought of his disciple Giovanni Gentile, the philosopher of the <attualismo>, the author of the Fondamenti della Filosofia del Diritto (1916), had naturally to develop in the sense of the <stato etico> or <ethical state> and, in letzter Instanz, as the Germans say or, in the last resort, as the English say, had necessarily to bring to the justification of totalitarianism: of Fascism, in this case.

Needless to say, the two philosophers parted their own ways. Gentile writing in 1925 the ‘Manifesto degli Intellettuali Fascisti’, to which Croce responded with the ‘Manifesto degli Intellettuali Antifascisti’, that was subscribed by the Italian intelligentsia.

Being a royalist, as Drummans and Mommsen were, meant supporting the Prussian Monarchy but, from a philosophical point of view, meant also supporting the concept of the <Stato Etico>, or <Ethical State> as in Hobbes and, in part, in Hegel. And the <Stato Etico> is no more and no less than the <realizzazione del bene universale>, the ‘fulfilment of universal good’, that to which all actions of men tend, or are directed. In sum, the individual man is subservient to the purposes of the State, which is the ‘mortal God’, or the State-Leviathan as in Hobbes, and not its contrary, or the State for the individual man, as in Liberalism. The <Ethical State> does not recognize the traditional and objective morals, but wants to create a system of morals of its own.7 Hence the way towards limited

7 For a comprehensive criticism of Hegel’s philosophy from a liberal point of view see F. A. von Hayek, who writes that for Hegel ‘the central aim of all study of society must be to construct a universal history of all mankind, understood as a scheme of the necessary development of
democracy, towards totalitarianism and its aberrations, Nazism and Communism, when power fell into the hand of gangs, of professional guerrillas, of real criminals, as Hitler and Stalin were.

Liberalism, by contrast, means that authority, or power, must come not from the State but from the low of society, the State being only ‘the warden of the fairness of the game’, as in Lassalle’s words. The State, as theorized by Wilhelm von Humboldt, for example, by contrast must simply put the citizens in a condition of educating themselves, without interfering in their decisions, much less in their own private life.

The University of Berlin

These concepts are now quite clear to historians and philosophers, who have finally brought philosophy ‘from even to earth’, as in Cicero’s words on Socrates, particularly after the criticism by Karl Popper and his The Open Society & its Enemies (1945), a groundbreaking work that represented the last, definitive word on this subject. F.A. von Hayek, who was Popper’s mentor, wrote that the university of Berlin in the nineteenth century was “the intellectual bodyguard of the House of Hohenzollern”. Hayek emphasized the judgment of Lord Acton on this subject, amply citing from the British liberal historian, when writing, in 1944, the following words:

“The role which the German political historians of the nineteenth century have played in creating the veneration for the power state ... can scarcely be overrated. It was indeed <that garrison of distinguished historians that prepared the Prussian supremacy together with their own, and now hold Berlin like a fortress>. There was indeed <probably no considerable group less in harmony with our sentiment in approaching the study of history than that which is mainly represented by Sybel, Droysen, and Treitsche, with Mommsen and Gneist, Berlin.>”

For Comte these are natural laws, for Hegel they are ‘metaphysical principles’, or laws of the “development of the human mind”; see von Hayek, ‘Comte and Hegel’, in The Counter-Revolution of Science. Studies on the Abuse of Reason (Liberty Press, 1979), p. 379.


make of an intellectual a true liberal thinker. He was immersed in philological work, in which he was a towering figure, but did not seem to realize what society around him was, what social struggles were, what Europe was. In 1848 the German National Assembly proclaimed the Grundrechte des deutschen Volkes, and the young Mommsen commented the text in a booklet, appearing in 1849 for Wigand publishers.

The Grundrechte are a manifesto of liberalism, and are a step forward in the way towards the abolition of privileges and inequality before the law. Mommsen’s comment is obviously in the sense of liberalism, which was the wind then blowing in Europe. Nevertheless one must read the following sentences, to realize what the real soul of the writer was:

“All of you know the Gospel of democracy: equality before the law ... but beware from false prophets, who speak of absolute equality, of equality of the wise and of the fool, of the poor and wealthy, of the rabble and of the honest citizens: equality is not this one, which throws through the window all the natural and necessary inequalities ... because God hasn’t made all the men equal, by contrast made ... them very different from each other ... you cannot claim this equality, but equality before the law”.11

As usual, these lines are from a writer astonishingly vigorous, but they also reveal the deep convictions of their author. ‘Equality before the law’ means in fact for him that there must be a legislator, but this legislator could also be that of the Hegelian <Ethical State>, or a legislator who wants to educate people in a particular sense, which is not necessarily the sense of liberty.

If reading what Cicero had written about the constitutions, what Adam Ferguson, -der alte Adam, as Marx calls him- had written in his Essay (1767) almost a century before, echoing both Cicero and Montesquieu, we immediately perceive that here the contents of the discourse are exactly the opposite. Mommsen’s commentary is appalling for the picture of backwardness which it gives of Germany in his own days, and not less appalling for the importance that was then given to the law as allowing, or do not allowing, freedom. If we compare Germany with Great Britain, and in particular Scotland of the previous century, we find a quite different picture. We find in Scotland the Smithian merchant and manufacturer fighting against the restrictions of the corporations -which are a phenomenon eternally recurring, as we see in the society of our own days- but also crossing the Atlantic and establishing principles of liberty that in continental Europe had a long way to go.

Germany produced in the late eighteenth century the philosophy of Immanuel Kant (1724-1804), which was Enlightenment, but in the sense that the task of the philosopher was that of enlightening the souverain, do not trespassing into the field of freedom, much less of liberty. When Kant published

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10 Lord Acton, ibid., pp. 354 and 358.

the treatise Religion in the Limits of Pure Reason, in 1793, he received the visit of the Prussian Minister of State, ordering him to abstain from writing on matters of religion. Frederick the Great (1712-1786) had been a proponent of enlightened absolutism, and his motto was ‘reason as much as you want, but obey’. His successor was on the same line.

And yet the young German philosophers -Johann Gottlieb Fichte (1762-1814), for example, but also the young Hegel (1770-1831)- had powerfully felt the influence of the French Revolution. And German idealism in its main lines is no more than philosophical liberalism. Not to speak, obviously, of Friedrich Schiller (1759-1805) and of his dramas, Die Räuber, first of all, and Don Carlos, with the famous speech of the Marquis of Posa, that proclaims its author’s belief in freedom and democracy. And who could forget Beethoven’s music and its philosophical meaning?

The German world in Napoleon’s era and during the Restoration evolved substantially like the rest of the Continental European world, and it is no case that Wilhelm von Humboldt (1767-1835) could write in 1791 The Limits of State Action, that was nevertheless published posthumously only in 1851. The work deeply influenced John Stuart Mill, who opened his essay On Liberty (1859) with a citation from it, but did not seem to exert any influence upon the citadel of the Berlin historians.

The point is that liberal ideas move from the deepest convictions, from the soul of a man, of a thinker. We can say that they are a genetic datum, that one cannot easily create or discard. A liberal thinker is the one who considers the world in its immense variety, acknowledging diversity as the fundamental datum of human society. The philosopher who considers particularity but not generality, i.e. the political party but not the whole of society -or Gesamtheit, to use a Hegelian word- cannot be a liberal thinker. And the liberal thinker, when considering human history, when considering the dialectics of verità-errore, truth-error, as

12 On p. 1 of his treatise Mill transcribes the sentence by W. von Humboldt: “The grand, leading principle, towards which every argument unfolded in these pages directly converges, is the absolute and essential importance of human development in its essential diversity”.

in Fichte and in Hegel, must be lead by the concept that “metaphysically evil cannot prevail”, because “history is rationality”. 13 15

We don’t need to demand of Mommsen that he should have conceived, or elaborated, profound philosophical concepts. He was a great philologist and historian, but philosophical concepts, especially concerning contemporary society, were alien to his deepest interests. Nevertheless Cicero is first of all a philosopher. 14 His Stoical doctrines, opposing Epicureanism, or Materialism of antiquity, with all the philosophical consequences that from them can be drawn, are therefore fundamental to understand society as it was, and is.

Mommsen refused to understand those doctrines, because he was conceptually, morally not equipped to understand them. There is in fact an abyss between his royalist convictions and liberalism, an abyss that no bridge can fill. Therefore, he took resolutely the part of Caesar the tyrant, who was for him the demigod, at such a point that he “not only hates Cicero, but despises him”. 15 The words of Ferdinand Gregorovius (1821-1891), who wrote

13 As in Antonio Gramsci, summarizing the main concepts of the philosophy of Benedetto Croce, the philosopher of liberty, in his Quaderni 10 (XXXIII), & 4.

14 For example, Hegel “explicitly argued that Cicero’s beautiful Latin style made real philosophical enquiry impossible, and the attempt to do philosophy in the Middle Ages in that language resulted in the disastrous failure represented by the scholastic philosophers, whose Latin was unreadable”, M. Fox, Cicero’s Philosophy of History (OUR 2007), p. 73n.


17 See above, n. 15.
European literary tradition and literary translation

The first speculation on the theory of translation is conventionally traced back to Cicero. By convention, in fact, Cicero’s remarks represent the first comment on translation of which a trace has remained.

With reference to his own translations of the two Attic orators Aeschines and Demosthenes, he admits: “Nec conversi ut interpres sed ut orator: I did not translate them as an interpreter, but as an orator, keeping the same ideas and the forms or, as one might say, the figures of thought, but in a language which conforms to our usage. In so doing, I did not hold it necessary to render word for word, but I preserved the general style and force of the language” (Cicero, I, 154).

Nec conversi ut interpres sed ut orator: sibylline in its brevity and apparently clear, this assertion will stimulate all the translators who, over time, will return to reflect, almost obsessively, on the need for a more faithful or more free translation.

The strong echo of these statements, however, has overshadowed another Ciceronian reference to a specific kind of translation, the intra-linguistic one, or the one from Latin to Latin, which Cicero admits having resorted to, in his youth. In his De Oratore he states that he was accustomed to reading an oration up to what he could remember by heart and then reciting the same content that he had read but with words as different as possible.

From Latin to Latin

This practice of translating from Latin to Latin will be taken up later on by Quintilian and Horace. These two writers will also talk of the similar intra-linguistic translation as a creative exercise to improve their literary skills. A Latin literary work was supposed to be read in order to be rewritten, mimicking and appropriating parts of it and competing with the original, to improve it. This was considered to be a form of “originality”: to repeat what someone had previously said but in different words, in a different style. Nowadays, we would call it plagiarism. These methods of translation fall within the context of early Latin literature, a literature that is formed on the imitation of Greek models. The approach to

International Observer

Donald Trump President of the US

Donald Trump is obviously at the centre of the world stage, and his politics is surprising for those who want to be surprised. It was clear from the beginning that only a minor percentage of his promises would have been achieved, because they could not stand a reality test, and because the American constitutional system is too strong. Do not forget that it is the result of a revolution, based on the ideas of the European Enlightenment, and that the Constitution of that country was long debated by the Constituents, and needs, if so, only minor adjustments.

Therefore, we have seen the executive orders of The Donald on immigration rejected by the courts, while, prudently, the Executive avoided lodging an appeal to the Supreme Court. A defeat, which was probable, would have been highly unflattering for the Chief of the Executive. He has also tried to cancel the Obamacare, and will probably succeed, but it will be replaced by something else, it being intolerable that twenty four millions of Americans remain without health care.

He promised to build a wall with Mexico, but now he finds that there is no money for it. He promises a tax slash which is highly unfeasible, given the condition of the federal budget. Also this project will probably, and hopefully, be rejected by Congress.

Trump threatened to cancel the commercial treaty with Canada and Mexico, but now he says that he will just renegotiate it, on more favorable terms. Certainly, no treaty is eternal, and any agreements can be reconsidered and improved under new conditions, when they occur, but no one, and nothing, can go against history. For example, he has withdrawn America from the negotiations for the inter-Pacific commercial agreement, but talks, we are sure, are going on informally. The commercial treaty with Europe, supported by Obama, hasn’t been signed, but it is just a matter of time.

The foreign policy

As for the foreign policy, at the beginning we Europeans were perplexed, if not alarmed. The Donald began by praising Putin, ‘who holds a firm grasp on his country’, but the American ambassador at the UN said that Putin should not only stop harassing Ukraine, but also return Crimea. This is a step forward, no doubt, and highly challenging for the Russian nationalists, who will probably realize that it is better, both for them and
the original texts and to the “stranger” in a broad sense, although unusual, is not unique in the history of literary relations between different traditions. In fact, over the centuries, translator-authors’ translations provided a useful way to enrich literary language, often representing the answer to a need for renewal.

These translations have always played an essential role in the innovation of European literary canons through the transfer and sharing of models and forms and intercultural communication. Thus, the study of any form of literature, we believe, cannot be separated from a comparative approach and from the discussion of the role played by translations in a given literary system. In the wide field of translation studies, our reflection focuses in particular on those translators who were at the same time significant writers (‘classics’) of a given national literary tradition. In the perspective of a European literary culture based on the promotion of the contact with Otherness, the intense network of cultural exchanges that generated through these writer-translators has represented, over the centuries, a peculiar dynamics between Europe’s nations. It has contributed to mutual understanding but, above all, to the construction of a deep common European identity.

**European family of writers-translators**

For this reason we examine here the influence that the act of translating had on the personal works of the writer-translators. The intense web of echoes between writers who translated and writers who were translated allows us to speak in terms of a European family of writers-translators. This reality has been underestimated for too long, perhaps as a consequence of the nationalistic approaches that characterized European literary criticism until just a few decades ago. Even then, only a few isolated studies exist on this subject. The lack of terminology, for example, is an effect of this. How do we define those writers, like Ungaretti or Montale, who wrote more pages of translations than of works of their own? Writers-translators or translators-writers? Who came first, the poet or the translator? And what about Proust, Rimbaud, Rilke, Gide, Fenoglio, Goethe, Chateaubriand, Guillon, Baudelaire, Unamuno, Mallarmé, Pavese, Hugo, or the earlier translators Scève, Fernan-do de Herrera, Garcilaso de la Vega and Dante? How would we define them? Of course as writers, but they all translated a lot.

Even the earliest writers of ancient Latin tradition (Livius Andronicus, Ennuius and Plautus, to name a few) all translated Hellenic texts. However, the function of translations in Ancient Rome has already been widely studied: the goal, as we said above, was to enrich Latin language and literature through the imitation of the Greek models. Throughout the centuries, the translation process also proved to be a useful

**for the others, to live in a pacific world.**
As for the Iran deal, we are in general confident, because in that country young people use the internet, because political elections, although still flawed, are regularly held, and democracy is maturing, step by step. The Iranians, after all, well understand that, if selling their gas and petrol on the international markets, there will be economic development and, for all of them, better life conditions.

**North Korea**

Concerning North Korea, the US is taking the right step. Unfortunately dictators, or tyrants, as they used to be called in antiquity and in the Middle Ages, are ‘wild beasts’, as Saint Thomas Aquinas defined them, adding that they must be opposed and killed. Some ‘experts’, whose articles appear in the ‘New York Times’, the ‘failing’ newspaper, don’t seem to know at all the ‘lesson of history’, which should also be ‘a lesson for eternity’, as the Greek historian Thucydides defined it. The Treaty of Versailles, after the first World War, imposed a substantial disarmament of Germany, which was allowed to maintain just a little army, and only for defense. When Hitler began rearm-}

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**Cesare Pavese**

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way to enrich the target language, and was often motivated by the need for innovation and by personal creative purposes. In this sense, in Europe, translation has contributed greatly to the renewal of formulas and schemes, and this peculiar kind of “encounter” with the stranger has allowed for the link between different poetic voices that belonged to the different literatures of Europe, and which have become a phenomenon of great importance over the last century. In Italy the 1930s are conventionally defined as the decade of translations. Writers often looked to the other side of the Alps in search of new models that the Fascist regime repudiated. But the more censorship was imposed, the more the writers translated. Cesare Pavese was arrested, and some see a possible reason for his arrest in his translation of Americans, but he also translated James Joyce, Defoe and Charles Dickens, and he wished for his country’s exposure to the “venti primaverili dell’Europa”: “Europe’s spring winds” (Pavese 1951, 223).

In order to resolve personal stylistic difficulties, another Italian poet, Eugenio Montale, resorted to what he defined as his “forced and unpleasant activity of translation” (Montale 1996, 1482). Besides translating the Jesuit priest and Victorian poet Hopkins, he also worked on Cervantes and Corneille, Marlowe and Shakespeare, Joyce and T.S. Eliot, Kavafis and his peer poet, Jorge Guillén.

Around the same time in Spain even Jorge Guillén and the “Generación del 27” were tempted by translating and, according to their own affinities, they worked on the texts of several influential European writers.

Pedro Salinas was the first Spanish translator in the world of Proust’s Du côté de chez Swann and only later became one of the major poets of the “Generación del 27” (See Craig 2002, 130). Early in his literary career, Dámaso Alonso translated James Joyce’s A Portrait of the Artist as a Young Man, and readers can find echoes of Joycean existentialism in his Oscura Noticia. Jorge Guillén translated from French, Italian, German, English and Portuguese, and among his translations Valéry’s Le Cimetière marin was the one that affected him most. Valéry’s belief that a poet should only write one book definitely influenced Guillén’s accretive process, leading to the almost three-decade-long composition of the final version of Cántico. Even Guillén’s reformulation of the poetic subject through the perspective of “being in the world” as an alternative to the Romantic paradigm of subjectivity has been read by some scholars as a reformulation of Valéry’s approach to the lyric “I” (See Marquez 2009). Guillén translated Le Cimetière marin for the first time in 1929, after long talks with his friend Valéry on the concept of pure poetry, but he did not consider his work finished, continued to reflect on the French verses and left this translation “workshop” open until 1940, when the considerably improved second version was published.

Guillén also translated poets such as Rilke, Montale and Pound. Ezra Pound, on his part, translated from little criminal time to carry on his verse project. And somebody should tell him about the fate of Saddam. Nevertheless, North Korean people could hopefully awaken, doing what they must do, clearing the country of that insane criminal, supported by a gang of similar criminals.

Old Europe and Russia

After Brexit, which is a severe problem for the Brits, in France Marine Le Pen, who was moderately successful in the first round of voting, in the second one has been swept away by the young Emmanuel Macron. Really unlucky, Marine. Weeks ago we saw her shaking hands with Putin, and the next day demonstrations against the little Tsar, prompted by the blogger Navalny, thanks to the new means of communication, took place in all the major Russian cities.

In Turkey Erdogan has been able to pass his constitutional reform that will make of him a substantial dictator, but he doesn’t seem to understand that power, without checks and balances, as Baron Montesquieu taught, generates opposition and, if repressed, opposition generates violence. He will be able to issue decrees, appointing a vast array of top officials, but it is no more time for dictators, in Europe and in the outskirts of Europe. In Italy the Prime Minister Mr Renzi tried a similar reform, ill conceived, and suggested by unwise advisers. He was nevertheless defeated by an overwhelming majority.

In Russia the opposition gains its moment, and the propaganda of the regime cannot repress public opinion, cannot hide the evidence of facts. The ‘era Putin’ will soon be over, the Europeans, from the Atlantic to the Urals, will finally live as a family, and we will be able to see Russia as a new country of freedom.

Nobel-prize winners and the euro

Last, a few reflections about the Nobel Prize winners in economy. They seem to feel a kind of duty to give their own recipe, mostly explaining the ‘weakness’ of the Euro. Noblese oblige. Their stance seems to be ‘yea but’. Oliver Hart, the Harvard professor, when receiving the Nobel Prize, in December, said that ‘the euro has been an error’. He is one more of the Nobel prize winners -a category of whom there is an inflation- who sentimentally assure that the world is in error, that, by contrast, they have discovered the truth, the new Bible.

The opinion of Spectator is that political economy is no more than that taught by Adam Smith, the immortal author of the Wealth of Nations, to which also the modern Nobel Prize winners, sorry for them, can add very little.
Greek, Latin, Chinese and Japanese, along with Provençal poetry and the Italian Sonnets of Calv valcanti, while Rilke and Montale were translators themselves. Like Guíl lén, Rilke also translated Valéry and, in addition to reading Guíl lén’s translations of Montale, we can also read Montale’s translations of Guíl lén (Edo 1998, 207). One might see these translations as a reciprocal homage between these two poets, but Montale translated some poems from Cántico in 1929, whereas Guíl lén was only informed of these translations thirty years later and was surprised by the fact that he himself had previously translated Montale. What is even more interesting, if one reads the Italian poet’s Quaderno di traduzioni and the Castilian poet’s Homenaje y otros poemas, is the coincidence of the authors they both translated: that is, Shakespeare, Yeats and Pound, which they translated in very different ways. Montale, who defined the activity of commissioned translations as “the mean profession”, often used translations as a way to enrich his poetic possibilities in Italian, and to renew, through the appropriation of foreign examples, the Italian tradition. In this perspective, he chose to translate Joyce, T.S. Eliot, Emily Dickinson and Victorian Hopkins along with the others already mentioned. In his second collection of poems, Le Occasioni (1939), for example, Montale declared that he was surprised by the fact that nobody had mentioned the influence of Hopkins’s sprung rhythm (Montale 1984, 89). On another occasion he stated that, in having to work hard to find another dimension in the heavily polysyllabic Italian language, he was helped by his “forced and unpleasant work as translator” (See Montale 1986, 1482).

Translation as an apprenticeship for creative writing

The same poet, Hopkins, was translated in Italy by Beppe Fenoglio, a writer for whom translation represented an essential apprenticeship for his own creative writing, which was characterized by a peculiar mixture of English and Italian. Fenoglio, who also translated Guíllén, Racine, Coleridge and Shakespeare, defined his work as “esaltante fatica” (Fenoglio 1978, 210), or the “exciting effort” of translation. The interest in translation accompanied him continually from the beginning of his career until the composition of his last works, with a complementary relationship between translations and his own writings.

Ungaretti began with the self-translation of his own poems into French, but soon abandoned this project to work on the translation of foreign authors. Ungaretti the translator, then, had to answer to the concerns of Ungaretti the poet and, as he stated, for the resolution of “technical problems”, he translated William Blake. Apart from Blake, Ungaretti also worked on the texts of Mallarmé. His translation of the Après-Midi d’un Faune represented the culminating point of an interest which lasted over half a century and which influenced the acceptance of the French poet in Italy and, of course, his own contemporary Il sentimento del tempo. Ungaretti outlined a genealogy of European poetry starting from Petrarch, through Góngora and Scève, Racine and Shakespeare, Leopardi, Mallarmé and Valéry, and arriving at Italian twentieth-century poetry: these are the poets he translated. Referring to his translation of the Shakespearian Sonnets, Ungaretti spoke of the “grueling and exhausting effort” (Ungaretti 1974, 556) he made to solve technical and inspirational problems with the translation of particular aspects of writers of different origins and temperaments (Ungaretti 1946, 12).

Ungaretti’s translation of Shakespeare came between his compositions of Il Dolore and La Terra Promessa, and these collections are characterized by the mutual lending and borrowing with the translations of Shakespeare. The influence of the encounter between these two authors on Ungaretti’s poetry was significant and, consequently, influenced the Italian literature over the last century.

The encounter with the foreign poets led Ungaretti, paradoxically, to point out the “actuality” of Petrarch and to strengthen his conviction of the common genealogy of a lot of European poetry.

The study of Petrarch also led to the translation of Góngora, the poet who was being rehabilitated by the “Generación del 27” during that period. The Baroque sonnets of the Spanish poet allowed Ungaretti to face more rigid metric structures. The long process of translation of the sonnets was echoed in his own poetry in the reuse of several atmospheres, in some syntactic structures and in the reflection on memory.

A few years earlier, the Bohemian-Austrian poet and novelist Rainer Maria Rilke had also translated the French poet Maurice de Guérin, L’Amour de La Madeleine discovered by Joseph Bonnet, the Lettres de la Religieuse Portugaise by Noël de Chamilly, and the Retour de L’Enfant prodigue by André Gide, together with some of Paul Valéry’s poems (Fragments du Narcisse, Eupalinos; Lâme et la danse; Tante Berthe; Charmes). Through translation, Rilke had also experienced the Italian tradition and besides Petrarch and Michelangelo. He had to abandon the translation of Dante’s Vita Nova because, as he stated, the masculine form of the Italian noun ‘amore’ was incompatible with the feminine form
of the German ‘die Liebe’ in such a poem (Astaldi 1976, 51). He did attempt to translate two poems by Leopardi (Infinito and La sera del di di festa), establishing several complementary thematic connections with the Italian poet (Russo 1976, 334). In Rilke’s interest in Leopardi we can see the Austrian writer’s exposure to some poetical aspects of the infinite and, despite the different conceptions of the two writers, Rilke’s ‘Weltinnenraum’ (‘the inner space of the world’), can be read in relation to the ‘infinite’ Leopardian spaces.

Leopardi also translated. Homer’s Odyssey and Virgil’s Aeneid were among his translations. Dante’s Divine Comedy can also be read as a form of translation, if we think of it as being filled with fragments from Virgil and Ovid, Aristotle and Cicero, as well as from many medieval poets and the Bible. This gives the idea of a foreign langue in the langue of Dante (Risset 2007, 34) who, referring to the translation of poetry in Convivio (I, 7), believed that “nothing harmonized by a musical bond can be transmuted from its own speech without losing all its sweetness and harmony” (Dante, in Norton 1920, ix).

Virgil was also translated by Valéry, who was translated by Rilke, who translated Leopardi, who, in his turn, translated Virgil. Unamuno also translated Shakespeare (The last days of Pompei) and Shelley, and he saw translation as “an admirable exercise” because, as he wrote, “it forces you to make someone else’s feelings and ideas yours” (See Garcia Blanco 1964, 97). Schlegel translated Calderon de la Barca, Dante, Camoens and Shakespeare into German, and if Shakespeare was translated by Ungaretti and Schlegel, he was also translated by Gide (Hamlet), who translated Conrad and William Blake, who was translated by Ungaretti, who was translated by Paul Celan. Nerval translated Goethe, who translated Manzoni, Carlyle, Walter Scott and Ossian, too. The list of encounters through translation could go on and on, from the ancient past, as we said, to some translations which are in progress today in some writer’s creative workshops.

The contribution of all these ‘classic’ authors, therefore, is at least twofold: they are all writers of a specific European national tradition and promoters, as translators, of an opportunity for interaction between different literary canons.

For the authors we have mentioned, the act of translating is an essential moment for their creative activity and is almost required for their claiming the status of a ‘classic’. In this way, the poetry of Otherness crosses national borders and gets new life, and through its influence, is reborn in other voices and in other forms. Nourished by an idealist dialogue among writers, throughout the centuries, all this has revealed the peculiar “unity within difference” (Monti, Regattin 2006, VII) of the European literary polysystem, which is a necessary condition for the creation of a common cultural conscience.

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Die Entstehung des Josephinischen Strafgesetzbuches von 1787

Abstract
Apart from the most prominent Viennese lawyers the new rules were decisively determined by the interference of their initiator, Emperor Joseph II., as the sources on the origins of the Josephinist criminal code of 1787 show. The intense collaboration of the ruler in his function as supreme legislator aimed at a highly utilitarian approach with the regulations. Those are distinguishable through a largely innovative design of the statements of facts and implemented numerous enlightened postulates of criminal law. The most important innovation came in the form of the abandonment of the death penalty which was, however, substituted with very severe compensatory punishments.

Die „Nemesis Theresiana“


2 Staatsarchiv, Allgemeines Verwaltungsarchiv, Oberste Justizstelle, Hofkommission, Kompilationshofkommission, Karton 103 (Schreiben des Kaisers an die Kompilationshofkommission v. 13. April 1781).


Auf den von Joseph II. in der Folgezeit besonders hinsichtlich dieser Sanktion mehrfach betonten Öffentlichkeitsaspekt bzw. die Präventivwirkung legten die Kommissionsmitglieder selbst nur ein geringes Augenmerk.

**Ordnung und Sicherheit**


**Feinarbeit an den Reihenfolge des Gesetzes besprochen und die unterschiedlichen persönli-

Haus-, Hof- und Staatsarchiv, Nachlaß Keeß, Karton 1, 1781 (Concept eines Vortrages der Compilations Commission bet. die Grundsätze des künftigen Criminal-Gesetzes", Primo).

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3 Haus-, Hof- und Staatsarchiv, Nachlaß Keeß, Karton 1, 1781 (Concept eines Vortrages der Compilations Commission bet. die Grundsätze des künftigen Criminal-Gesetzes", Primo).

4 Ebd. Karton 2a (Konzept mit Überarbeitungen für die kaiserliche Einleitung des Strafgesetzes durch Keeß, o. D. = erstes Drittel 1782).

Bei den Kees’schen Korrekturen handelte es sich allerdings, so wie es bereits auch bei anderen Gesetzen der Fall gewesen war, keineswegs nur um stilistische Änderungen, sodass eine Reihe von Vereinfachungen, die mit schwerwiegenderen Eingriffen in den Sinngehalt einhergingen, in den folgenden Sitzungen der Kompilationshofkommission wieder „zurückverbessert“ werden mussten.


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5 Ebd., Karton 2a (Resolution Josephs II. vom 10. April 1783).

6 Staatsarchiv, Allgemeines Verwaltungsarchiv, Oberste Justizstelle, Protokoll Der Kompilations Hof Commission Vom Jahre 1783 (Bd. 35), 7. Mai 1783.

7 Concept (wie Anm. 3), § 6.

In einer Resolution vom 16. Mai 1784 akzeptierte Joseph II. wiederum die neu erarbeiteten Normen, doch verzögerte er gleichzeitig deren rasche Fertigstellung, indem er nicht nur für 20 Artikel konkrete Änderungsaufträge formulierte, sondern abermals ein behördliches Umlauf- und Begutachtungsverfahren anordnete, was möglicherweise auf sein latentes Unbehagen mit diesem Gesetz zurückzuführen war oder durch die Verbreiterung der Entscheidungsgrundlage eine erweiterte Legitimation bringen sollte.


Betrachtet man den Inhalt der Direktiven in dieser letzten Phase des Gesetzgebungsprozesses, so spielte für den Kaiser nach wie vor die generalkräfte Wirkung der Sanktionen die herausragende Rolle. Der geheime Vollzug der Ruten- und Karbatschstreiche wollte er daher aus dem Gesetz tilgen lassen. Die erneuten Anweisungen des Kaisers zeigen, dass einige der von ihm bereits früher aufgetragenen Korrekturen (offenbar bewusst) nicht durchgeführt worden waren.

Der Referent für die Polizeinormen
Joseph von Sonnenfels, legte dem von ihm verfassten Besprechungsprotokoll der vermeintlich letzten Sitzung des Gesetzgebungsgremiums auch noch einmal den Entwurf des von ihm bereits mehrfach stilistisch überarbeiteten Kriminalgesetzes bei. Für den Fall, dass sich der Kaiser für die Variante einer getrennten Veröffentlichung der Kriminal- und Polizeinormen entscheiden sollte, was eben zu dieser Zeit in den Gremien diskutiert wurde, wies der Referent auf die damit verbundenen Schwierigkeiten hin.


Eine weitere stilistische Überarbeitung

What a glorious moment for Hume scholars. James Harris’ *Hume, An Intellectual Biography* has appeared. Until now we had Ernest Mossner’s biography of course. That story of Hume’s life is still worth reading, but it can be bewildering untidy and it is weak on Hume’s intellectual development. Harris has filled the gap. Harris’ strategy in writing his book is straightforward and effective. He discusses Hume’s writings in chronological order weaving letters to and from him and books he read or may have read in his story. Furthermore he has updated it by using the findings of modern scholarship, particularly in the case of Hume’s many revisions to his text in print or manuscript.

Many of the details will be familiar to readers of Hume, but there are always surprises. To me Harris’ conclusion that Mandeville and not Hobbes was the representative of the egoistic theory of morals is new. It makes a lot of sense. Mandeville demonstrated that you could construct a viable moral theory on the basis of egoism. That was something which Hobbes never tried to do. So Hume in his attempt to fuse egoism and altruism into one moral system was attracted to Mandeville’s *Fable of the Bees*. We may also disagree with Harris about the details of the story. I cannot see that Montesquieu had any influence on Hume as to the diversity of morals for the simple reason that Hume was no cultural relativist. However, let the reader judge for himself. This is a rewarding book. Yet it is not my Hume that Harris is portraying. The quality of this book is that it serves the reader as a reliable guide and gives him the opportunity to formulate his own view on Hume. That effect it had on me. What follows is more a comment than a review.

According to Harris Hume was ‘a man of letters’ who believed in an enlightened discussion with friends. Harris writes that in this way we don’t have to choose between, on the one hand, the nineteenth-century story according to which all his writings are to be seen as continuation and developments of a project adumbrated in the introduction of his first book. My brief is what Hume wrote in the ‘Introduction’ of his *Treatise* ‘And as the science of man is the only solid foundation we can give to this science itself must be laid on experience and observation.’ So I opt for the second approach which Harris mentions. Hume’s scientific ambition highlights the enduring quality of his work and also its limitations.

That much of what he wrote after the end of his *Enquiry Concerning the Principles of Morals*. There Hume was saying that a moral code (that of the ancient Greeks) could be functional even though we would despise and not tolerate it.

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1 Harris is referring to the *Dialogue* at the end of his *Enquiry Concerning the Principles of Morals*. There Hume was saying that a moral code (that of the ancient Greeks) could be functional even though we would despise and not tolerate it.


Treatise was related to that work is evident. Hume planned A Treatise in five books. Disappointed by the reception of the three books he published he changed his strategy. Hume was an incurable ‘revisionist’ who constantly kept revising and correcting his work. This is a sure sign, I think, that his Treatise remained the source of his preoccupations. Basically he rewrote it in separate pieces. That was a happy decision, because Hume had a genius for applying a particular theory to a particular problem.

Rewriting of the Treatise
He rewrote book I of the Treatise as an Enquiry Concerning Human Understanding (EHU), the Enquiry Concerning the Principles of Morals (EPM) is based on book III and A Dissertation of the Passions is a cannibalized version of book II. Hume changed his ‘manner’ (as he called it himself) of writing in two ways: he simplified his concepts and his approach was no longer introspective. He directly addressed the reader.

Simplification means that the theory of association (heralded in An Abstract as a ‘new invention’) receded to the background, the concept of ‘sympathy’ (that ‘powerful principle’ of association) became ‘utility’ and in the Dissertation he no longer used the distinction between direct and indirect passions. This new approach allowed Hume to confront metaphysics with his tasteless advice to burn all books dealing with mere speculations (including of course most books on theology) at the end of EHU. So it was that experimental philosophy should replace metaphysics. In essay 10 of EHU he concludes that miracles do not exist and cannot exist and in essay 11 he writes that the order of nature cannot teach us anything about God’s intentions with the world. Morality, Hume wants to say, is the work of man. Essay 10 bears the title ‘Of the Practical Consequences of Natural Religion’ in the first edition of EHU, which emphasizes his intentions to attack natural religion. Recently a manuscript fragment by Hume was found on the

problem of the balance of good and evil. Harris thinks that it might have belonged to part 3 of book I of the Treatise. I prefer M.A. Stewart’s suggestion that it can be placed in part 4, if only because the fragment is headed as section 7, ‘fourth objection’. So it could originally have been wedged between section 6 ‘Of Personal Identity’ and section 7 the ‘Conclusion’. Such a speculation makes sense, because, if Hume had included his essay ‘On Miracles’ in the Treatise he would have added a denial of the a posteriori proof of God’s existence to his arguments against an a priori proof. Anyway Hume’s attack on natural religion demonstrates that he was more than an amiable companion of his friends, because for them natural religion was the anchor of their faith and so Hume’s attack must have been painful for them.

Hume’s secular approach to human understanding paved the way for his design of a moral economy in EPM in which people would be inclined to work together because their activities were useful and agreeable to others and themselves. This kind of utilitarianism inspired Hume in writing his economic essays. Harris writes about these: ‘He wrote first and foremost with the intention of stimulating surprise, puzzlement and reflection in the reader.’ This remark does not ring true. We honour Hume as one the founding fathers of modern economic science and this means that his economic reasoning is still relevant. Philosophers usually prefer the Treatise which they regard as a proper philosophical work and they regard EHU and EPM as propaganda for the Enlightenment, but in his economic essays Hume presented innovations which directly led to Adam Smith’s famous model of the ‘invisible hand’. For both of them cooperation meant creating a win-win situation.

The History of England
There is a second line of development in Hume’s thought which runs from his essays on current affairs to his History of England. The theme common to all his political writings is the balance between authority and liberty. Eventually Hume came to write ‘that liberty is the perfection of civil society; but still authority must be acknowledged essential to its very existence.’ The History is, as I see it, a study of authority and so I have a somewhat different interpretation of Hume’s intentions in the Stuart and Tudor volumes from Harris. I agree, however, with his interpretation of the medieval volumes. Hume wrote his History, as the witches pray, backwards. He started with the Stuarts, continued with the Tudors and finished with the middle ages. About the Stuarts Harris writes that Hume tried to reach an impartial judgment that transcended that of the Whigs and Tories. Impartiality was certainly part of his effort, but what he wanted to explain in the main was how liberty started to encroach on the absolute authority which James I inherited from Elisabeth. The revolution of 1688 did not solve the problem of imbalance between liberty and authority and in his political essays Hume described the regimen mixtum an inherently unstable system that could only function as long as the Commons would respect the authority of the executive.

D. Hume, ‘Of the Origin of Government’, Essays, Moral, Political and Literary (Indianapolis 1987: Liberty Classics), E.F. Miller ed., 41. This posthumous essay has the imprint of Hume’s disgust at the Wilkite riots of 1768, but the idea that the maintenance of authority is essential in civil society can already be read in A Treatise.


According to Richard Hurd.
Harris speaks of ‘Tudor despotism’ while dealing with the Tudors. Hume, however, used the term absolutism. And he described how this type of authority was in harmony with ‘the established practice of the age’. This was particularly the case during the reign of Elisabeth who knew how to combine strict authority with keeping her subjects satisfied. After and before the Tudors the constitution was in a state of ‘continual fluctuation’ as he put in a note which he added in 1762 to the volume on her reign.

Fluctuation is a characteristic term for Hume to use. He does not describe English history as a development. He took a great interest in social history, but he did not use the theory of stages (from food gather to the emergence of commercial society) which was popular in his time. Instead he used his notes to debunk the past.

The Feudal Manners

At the end of volume 1 of his History Hume described The Feudal Manners and Anglo-Norman Government. It was William I who introduced feudalism in England and Harris rightly pays attention to Hume’s opinion. Conquest according to Hume was at the basis of kingship in England. Since 1066 royal authority waxed and waned according to the power of the feudal lords. However, who was to be king was at issue in the battle of wills. The war of

12 Harris even describes Elisabeth as a ‘tyrant’. (372) Hume did not use that term.

the Roses is an example of what was at stake. That the monarchy was to be the locus of central authority remained a self evident fact. Perhaps because he was a Scot Hume noticed it, because in his native country kingship was always at risk. The second point which Harris emphasizes in his discussion of the medieval volumes is that there was no ‘ancient constitution’ which provided a way to establish the balance between authority and liberty. English history, according to Hume, provided no lessons for the future.

The Hume of the economic essays was an innovator, the Hume of political theory looked to the past. His way of writing history was in the tradition of Machiavelli. Politics was a matter of princes and their ministers. Story and the analysis went together. Ordinary people living their lives in daily routines were not involved in it. This politics top down made him blind to the future. Hume’s advice to keep the legislative and the executive powers separate was totally unrealistic.

A typical example of Hume’s ingenuity on the one side and his lack of realism on the other is essy ‘Idea of a Perfect Commonwealth’. Hume had noted that there is a serious imbalance between power and property. The king has the power and the House of Commons represents the greater part of the property in Britain. So the Commons may interfere with the power of the king at any moment. Using Harrington’s scheme in Oceana he made a brilliant suggestion on how to remedy the situation. 1. Disperse the power of the House of Commons by installing county councils in its place. 2. Landed society will be anchored to its local situation and secure the status quo. 3. Central government assisted by the House of Lords in the guise of a senate can happily work together without the interference of the House of Commons. I had already noticed point one. Harris adds point two to this interpretation and point three is a logical sequel to points one and two. It is a hare-brained scheme and we could perhaps accept it as playful thinking on Hume’s part, if we did not know that he was obsessed by the thought that the executive and the legislative had to be kept separate at all costs. But that was not to be.

The factory owners, the capitalists as well as the labourers would create an industrial revolution that would subvert the social status of the established classes, make room for democracy and cause osmosis of the state and civil society. Harris discussion of Hume’s Dialogues Concerning Natural Religion at the end of his book is perfect. He portrays Hume as an agnostic who believes in God but without making any claims on him. In a sense Hume returned to the Presbyterian faith of his youth. God is an inscrutable entity of whom we as mortals can know nothing.

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16 Maybe Hume had an intimation of this future. In his essay ‘Of Public Credit’ (D. Hume, Essays, 357) he talks about the stockholders in shrill terms. He does not only see them as parasites, but also as those who subvert the established social order. They became the capitalists of the industrial revolution.