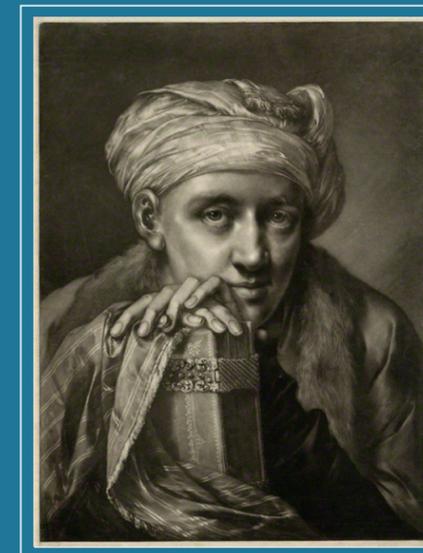


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Век Просвещения

Le Siècle des Lumières

VI



Век Просвещения

VI

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АКАДЕМИЯ НАУК

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VI

*Qu'est-ce que les Lumières?
Nouvelles réponses
à l'ancienne question*



MOSCOU NAOUKA 2018

Век Просвещения

VI

*Что такое Просвещение?
Новые ответы
на старый вопрос*



МОСКВА НАУКА 2018

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ANTONIO TRAMPUS

ENLIGHTENMENT IN GLOBAL HISTORY:
ON FILANGIERI'S *SCIENCE OF LEGISLATION*
AND THE TRANSFORMATION OF POLITICAL LANGUAGE
IN THE CLASSICAL LIBERALISM

Over the last decade, the debate on Global History has generated many contributions and undoubtedly interesting outlooks. More recently it has involved also the studies in the Enlightenment, which had already been renovated by the varied interpretations of the *Radical Enlightenment* (M. Jacob, J. Israel), of the *Conservative Enlightenment* (J.G.A. Pocock), of the *Religious Enlightenment* (D. Sorkin), of the *Atlantic Enlightenment* (S. Manning, F.D. Cogliano), of the *Islamic Enlightenment* (R. Schulze) and of the *Catholic Enlightenment* (U. Lehner). These very diverse positions have not only multiplied the «Enlightenments», but also proposed new readings of the connection between Enlightenment and Western political tradition (M. Jacob, J. Israel, J.G.A. Pocock). They further enlarge the cultural and geographic context beyond Europe towards both the West and the East¹. However, the research field is not yet exhausted. Recently, Sebastian Conrad opened the debate on the existence of a *Global Enlightenment*. The new challenge is to move beyond the *postcolonial studies* framework, which persists in underlining the meaningful link between Enlightenment and colonialism / imperialism, thus presenting a negative portrait of the connection between Enlightenment and modernity².

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¹ See the presentation and the website of the Global Enlightenment symposium at Princeton University, April 6–8, 2017: «The conference aims to scrutinize unexamined legacies of the Enlightenment from a global perspective. Until recently, the long-eighteenth century (c. 1660–1820) was understood as the historical era during which the West became secular in its intellectual, cultural and political institutions. But over the past two decades, scholars have radically redefined Enlightenment both as concept and epoch» –<https://globalenlightenment.princeton.edu/> (26.01.2018).

² Conrad S. Enlightenment in Global History: A Historiographical Critique // *American Historical Review*. October 2012. Vol. 117, Issue 4. P. 999–1027.

The other main interpretative issue is related to the *New Atlantic History* and the *World history*, which brings Africa, Europe and the Americas together in a single interpretive field. Via a more or less radical critic of eurocentrism, this approach relegates Europe to a lesser role. The very connection between Europe and the Enlightenment is called into question: the focus is therefore moved to different regions such as Haiti, Egypt, India, China, Japan (P. Linebaugh, M. Rediker; L. Dubois, J.S. Scott, M. Elvin). Moreover, the concept of a global history of the Enlightenment can be perceived as a paradox in regard to the cosmopolitan and universalistic vocation of the Enlightenment. Naturally, the adjective *global* is not an exact synonym of *universal*³, however the possibility of exploring this new path of research redefines reflections and perspectives by taking into account the solicitations of the recent historiographical debate.

In this instance, an analysis of the thought of Neapolitan philosopher Gaetano Filangieri and of the impact of his *Science of legislation* (the *Scienza della legislazione*, first Italian edition of 1780) – began fifteen years ago – is an exemplary case study. On one hand, it encourages us to open (or re-open) the debate on the Enlightenment roots of the rights of man and on their function in the contemporary discussion on human rights⁴. On the other hand, the analysis of the so-called ‘success’ of the *Scienza della legislazione* and of its political language until the 21st century can test the hypothesis of a global history of the Enlightenment. It may open the debate not only on the enlarged geographical horizon, which is the more appreciated perspective, but also on the traditional categories of historical time⁵.

The historiography on the Enlightenment was until quite recently involved only marginally in the discussions on the process of globalization and de-globalization which characterized the last quarter of the 20th century⁶. Even though, it should be noted that in the field of Italian intellectual history there was a pioneer’s attempt represented by the international project *Le monde des Lumières*, under the direction of Vincenzo Ferrone and Daniel Roche in 1997⁷. The most radical criticism of eurocentrism formulated by *World*

³ See the final chapter on *The Chronology and Geography of the Enlightenment* in Venturi F. *Utopia and Reform in the Enlightenment*. Cambridge, 1971.

⁴ Cf. Ferrone V. *The Enlightenment: History of an Idea*. Princeton NJ; Oxford, 2015. P. 149–150.

⁵ In this sense it may be useful the review by Martti Koskenniemi of Jean L. Cohen «Globalization and Sovereignty. Rethinking Legality, Legitimacy and Constitutionalism» (*International Journal of Constitutional Law*. July 2013. Vol. 11, Issue 3. P. 818–822).

⁶ See Riecken N. *History, Time, and Temporality in a Global Frame: Abdallah Laroui’s Historical Epistemology of History // History and Theory*. December 2015. Vol. 54, Issue 4. P. 5–26.

⁷ See Abbattista G. *Temps et espace // Le Monde des Lumières / Sous la dir. de V. Ferrone et D. Roche*. Paris, 1999. P. 155–169. The original edition is: *Il mondo dell’Illuminismo / A cura di V. Ferrone e D. Roche*. Roma; Bari, 1997 (with Spanish and Russian translations: *Diccionario historico de la Ilustración*. Madrid, 1998; *Мир Просвещения: Исторический словарь*. М., 2003).

History touched upon the categories of time produced by Western culture. *World History* not only broaden geographical horizons and research themes. It also allowed for a deep redefinition of a number of historiographical and interpretative categories built around the concept of time and periodization by European West. As is well known, one of the main consequences of this refocusing was the opening of a new chapter in the long-standing debate on the ideas of 'modernity' and 'modern'. In this regard, Here I am referring to the comparison between a concept of time perceived as genuinely European and other extra-European temporal dimension, as well as to attempts to defend the values of a 'universal' modernity. In any case, such discussions confirm that the concept of modernity should be framed in a complex temporal experience, beyond periodization issues. This is the main theme also of Lynn Hunt's *Measuring Time, Making History*, in which it is explained how modernity is cognitive process of construction or deconstruction of (past) time⁸.

The reflection on time informs the path which conducts from *Global History* to the «Big Idea» of the *longue durée* as a relaunch of *Intellectual History*⁹. *The History Manifesto* is essentially a polemic against microhistory and its epigones, guilty of having forged a short past¹⁰. It denounces the difficulty of understanding the overall meaning history, caused by the «freezing» of time¹¹ generated by concentrating on specific events, by a writing style anchored to increasingly shorter time span, by neglecting the *longue durée* and the drive to great stories and edifying contents¹². The return to the *longue durée* might represent a possible answer to the limits of national histories and a different way to integrate into the global history approach, which is still essentially centered on geography.

FILANGIERI: THE ENLIGHTENMENT BEYOND THE ENLIGHTENMENT

As already mentioned, the studies in the Enlightenment were involved marginally in such debates. World History and Global History generated chiefly an enlargement of geographical spaces, thus allowing the emerging of other «Enlightenments» different from the European one. In fact, as far as the Enlightenment is concerned, it seems that an expansion of the idea of time did not correspond to the widened geographic field. As François Hartog noted, when studying the psychological experiences of James Cook and Chateaubriand, the impact produced by spatial change on the concept of time and on form of temporality should be taken into account more thoroughly¹³.

⁸ Hunt L. *Measuring Time, Making History*. Budapest; New York, 2008. P. 73–86.

⁹ Armitage D. What's the Big Idea? *Intellectual History and the Longue Durée // History of European Ideas*. 2012. Vol. 38, Issue 4. P. 493–507.

¹⁰ Armitage D., Guldi J. *The History Manifesto*. Cambridge, 2015.

¹¹ Armitage D., Guldi J. *Le retour de la longue durée: une perspective anglo-américaine // Annales: Histoire, Sciences sociales*. 2015. Vol. 70, Issue 2. P. 291–292.

¹² Ibid. P. 299–300.

¹³ Hartog F. *Régimes d'historicité: présentisme et expérience du temps*. Paris, 2003. P. 77–78, 117–178.

Considered from a geographical perspective, the issue of time becomes essentially a problem of spatial expansion. Therefore, the chronology derived from traditional categories of periodization remains unaltered¹⁴.

Should historians yield and accept a basically geographical approach to global history (and to a global history of the Enlightenment)? Should they limit themselves to analyze spatial enlargement and transnational history, referring to conventional periodization¹⁵? Or is it possible to revive the value and functions of Intellectual History and of the studies in the Enlightenment in a perspective of global history able to challenge also traditional outlooks of temporality?

Italian scholars have been exploring such a path of research for the last two decades, starting from the collective project *Le monde des Lumières*. The main focus has been the circulation of Gaetano Filangieri's work. The Neapolitan philosopher, author in 1780 of *Science of Legislation*, provides a highly interesting case study. Not only does it overcome spatial categories through a widespread diffusion: the Mediterranean area, continental Europe, the Americas. It also challenges temporal categories: in fact, modern concepts of constitutionalism and human rights – still vital in 19th and 21st century political cultures – stemmed from Filangieri's work¹⁶.

As shown by the mapping of times, places and frequency of editions and translations from 1780 to 1864 (fig. 1)¹⁷, the *Scienza della legislazione* an editorial and cultural phenomenon from which it is possible to reconstruct strategies of textual appropriation in varied cultures and ages. Since the publication of the first Italian edition, and despite its huge dimension (seven volumes), the *Scienza della legislazione* has become a best-seller of European Enlightenment. The success of the work was even magnified by the

¹⁴ For interesting examples concerning extra-European concepts of time, see *Beyaraza E. The African concept of time: a comparative study of various theories*. Kampala, 2000; *Conrad S. What Time is Japan? Problems of Comparative (Intercultural) Historiography* // History and Theory. 1999. Vol. 38, N1. P. 67–83.

¹⁵ *Armitage D. What's the Big Idea?* P. 493–507; *Armitage D., Guldi J. The History Manifesto*. P. 29.

¹⁶ On Filangieri's *Science of Legislation* and his international circulation see my essays: *La genesi e la circolazione della Scienza della legislazione*. Saggio bibliografico // Rivista Storica Italiana. 2005. Vol. 117, N1. P. 309–359; *Filangieri et le langage de la constitution* // Nuevo Mundo – Mundos Nuevos. 2006. N6. P. 1–12; *Die Wissenschaft der Gesetzgebung: Gaetano Filangieri* // Grundriss der Geschichte der Philosophie: Die Philosophie des 18. Jahrhunderts: Italien / Hrsg. von J. Rohbeck, W. Rother. Basel, 2011. Bd. 3. S. 418–436; *Entre Antonio Genovesi y Gaetano Filangieri: El nacimiento del lenguaje, je constitucional moderno* // Entre Napoles u América: ilustración y cultura jurídica en el mundo hispanico (siglos XVIII y XIX) / Ed.F. Morelli, É. Richard G. Verdo. Medellín, 2012. P. 43–62; *Verfassung und Rechte: Filangieri und die europäische Rezeption der Scienza della legislazione* // Italien in Europa: die Zirkulation der Idee im Zeitalter der Aufklärung / Hrsg. von F. Jung, T. Kroll. Paderborn, 2014. S. 119–141.

¹⁷ The figures are obtained through Palladio, open-source software developed at Stanford University for space-time analysis in the field of socio-humanistic research. My special thanks to Dr. Giulia Delogu for the helpful collaboration.

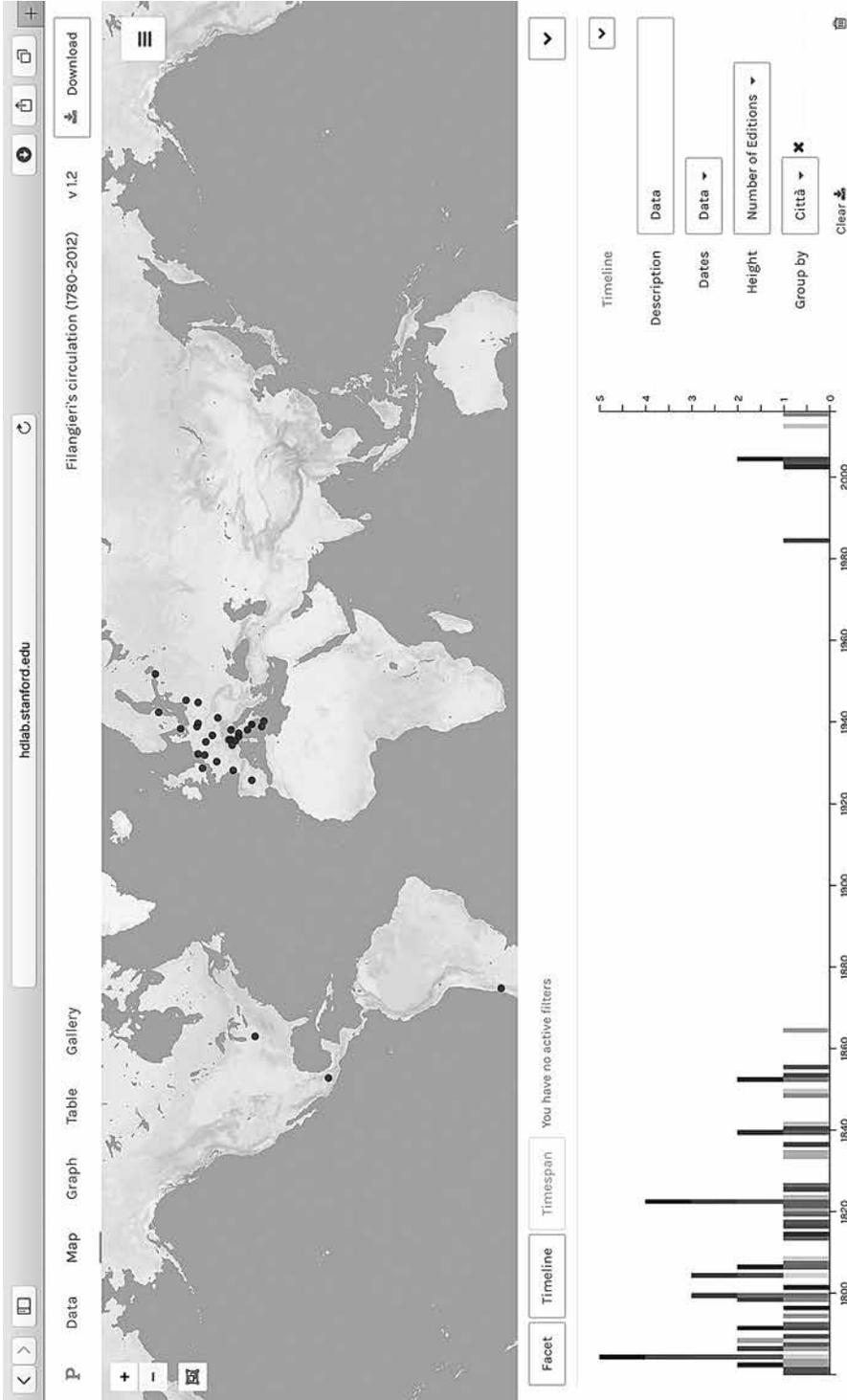


Fig. 1

heroization of the author, who died aged 35 before the Revolution, in 1787. Many other Enlightenment masterpieces had a widespread circulation also because favored by their small typographical size (e.g. *Dei delitti e delle pene* di Cesare Beccaria). Conversely, the *Scienza della legislazione* required enormous effort as far as the translation was concerned, as well as huge financial resources for the publication, which frequently was made possible by a blend of diplomatic, commercial and masonic networks. During the 19th century, when modern constitutionalism was surpassed by newly emerging codes, Filangieri's project seemed to be no longer appealing, new strategies of textual appropriation were developed. Thus, the text circulated not as a whole but in single parts (regarding for instance economics, criminal law, educational reform), in order to better answer the needs of post-Restoration national and cultural contexts.

The *Scienza della legislazione*, its editions, translations and commentaries allow us to understand how much of Enlightenment Europe passed through revolutionary and Napoleonic years and flowed into the new 19th century Europe. Filangieri's thought and republican heritage were not swallowed whole by the French Revolution, but rather they were infused, redefined and reinterpreted by 19th century liberal culture. They were adapted so that they could respond to new social needs and to the political questions that emerged during the Restoration¹⁸. The *Scienza della legislazione* should not be considered as static and crystalized in the Enlightenment. On the contrary, it is a work able to overcome temporal categories and extend its influence, following a series of concentric circles, beyond the Mediterranean area and beyond the Enlightenment.

This process, extraordinary in some facets, cannot be fully understood without an analysis of the seeds of modernity kept inside the *Scienza della legislazione*. In fact, it was a huge constitutional project that engaged philosophy of law, economics and commerce, criminal procedure and the system of crimes and punishments, upbringing, public education, and religion. It was not just a theoretical text, but was closely connected to late eighteenth-century economic, legal and social transformations. The young author was certainly influenced by the context of his city, Naples, still dominated by political backwardness. However, it was exactly in Naples and in the Mediterranean area more generally that the survival of rural feudalism clashed with the development of commerce. There the many contradictions of the Enlightenment emerged: aspiration to equality and universal fraternity against inequality generated by the growing market economy.

The *Scienza della legislazione* examined those issues in depth, and these were destined to become even more central during the 19th century and the 20th century. Filangieri debated them using modern language and clear words that might stir the reader's emotions and, more concretely, could be easily

¹⁸ See Ferrone V. *The Politics of Enlightenment: Republicanism, Constitutionalism and Rights of Man in Gaetano Filangieri*. London; New York, 2014.

translated and understood in other European languages. Thus, the newness of the problems discussed by the *Scienza della legislazione* and the modernity of its language are two important elements which can explain the strategies of circulation, translation and adaptation of the text across the West in a trans-temporal dimension.

THE SCIENZA DELLA LEGISLAZIONE AS GLOBAL ENLIGHTENMENT CASE STUDY

The story of Gaetano Filangieri's work provides at least three key-elements that make it a relevant case study useful to broaden the perspectives of Global Enlightenment. First of all, moving in the more classic field of intellectual history, la *Scienza della legislazione* circulated spatially in concentric circles: it originated in late eighteenth-century Naples and then reached all Europe and the Atlantic World. Secondly, it spread across time for two centuries after its publication. Thirdly, it survived beyond its own era, thus reflecting the category of trans-temporality. In fact, it did not ossify but was continuously modified in response to the different national strategies of appropriation, which alternatively used the whole work or the parts more fitting to specific constitutional and cultural contexts.

This list of editions and translations highlights the fact that the vast majority appeared in the 18th and 19th centuries, when the debate on new forms of political fight and on European constitutionalism was more intense. If considered from this point of view, each edition and each translation acquire importance and a precise meaning in regard to the context in which it was produced.

As can be seen in the map of the first European editions and translations between 1780 and 1789 (fig. 2), the first basin of circulation of the *Scienza della legislazione* is represented mainly by the Mediterranean area and Central Europe.

The treatise had a second wave of diffusion during the years of democratic revolutions (1796–1799). It was printed in Venice (1796), Genoa (1798), Rome (1799), Paris (1796–1799), Copenhagen (1799) e Livorno (1799). In addition, between 1798–1803 Russian and Swedish translations were completed. The Baltic and Russian areas and the entire Eastern Europe were finally able to read and comment Filangieri's work (fig. 3).

In this second phase, which can be called «the republican Filangieri», a unitary reading of the work as ambitious constitutional project still prevailed. After the Napoleonic age, a third phase followed. The *Scienza della legislazione* was printed and edited again during the Restoration, in the framework of rising European liberalism and constitutional movements (Livorno 1812, Madrid 1813, Stockholm 1814, Palermo 1815, Milan 1817, Florence 1820, Venice 1822, Paris 1822).

Then, after the 1820–1821 uprisings and Benjamin Constant's confutation, there is a phase of the «liberal Filangieri». During this phase, which lasted

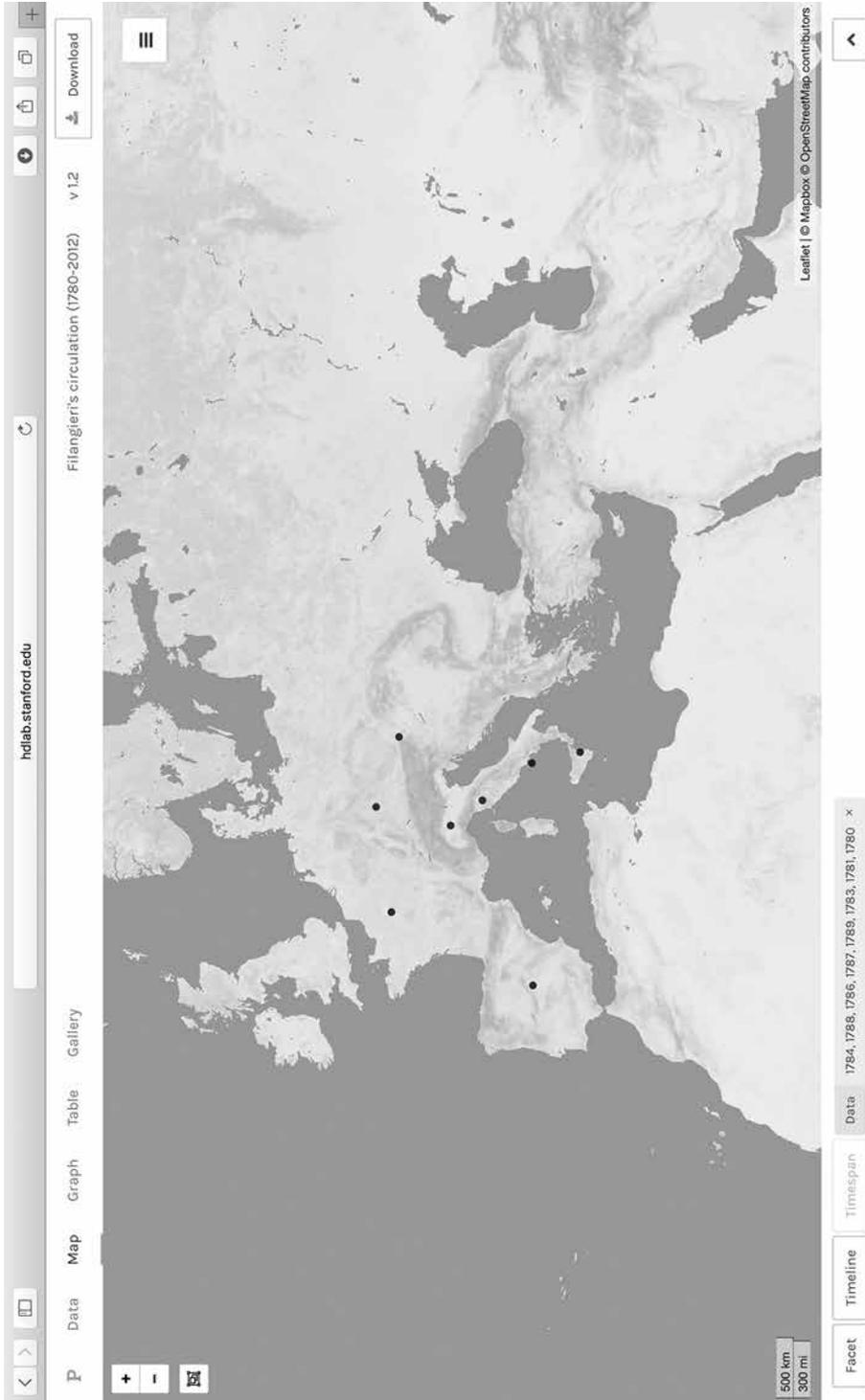


Fig. 2

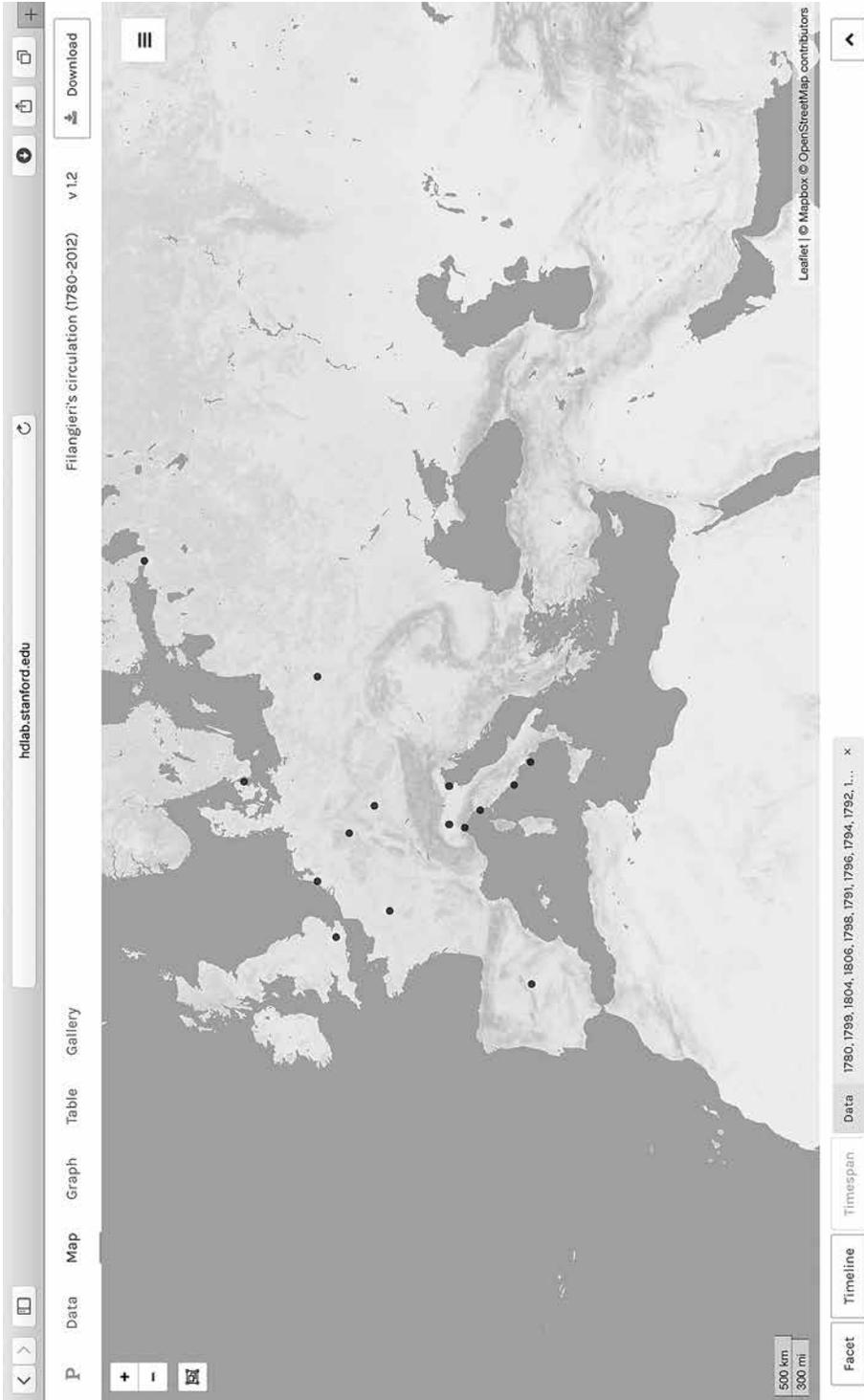


Fig. 3

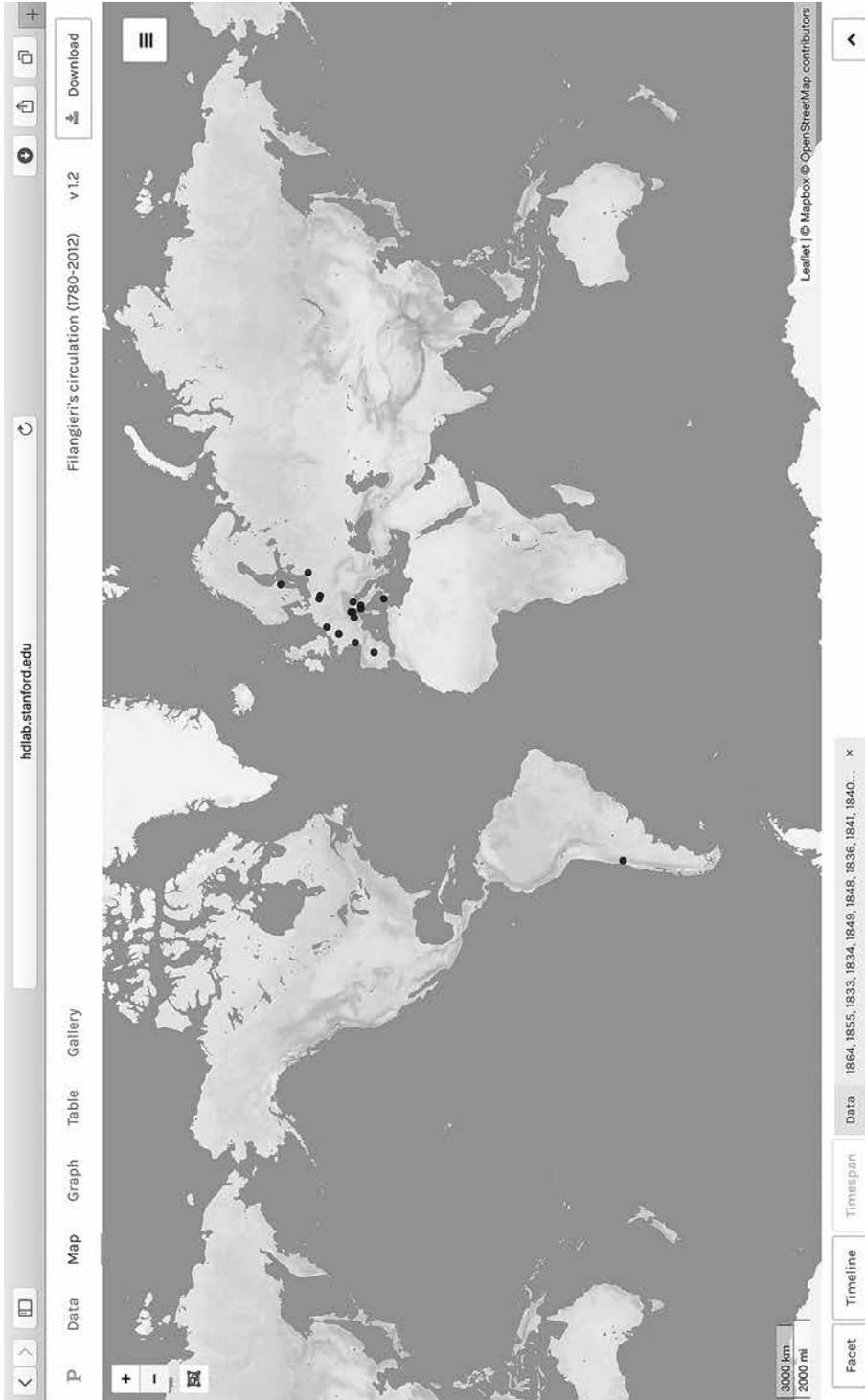


Fig. 4

until the European revolutions in 1848, the *Scienza della legislazione* circulated widely and reached also Latin America (fig. 4).

Over 70 editions and translations until 2004 testify to the success and the effort, also economic, in the diffusion either integral or partial of Filangieri's seven-volumes work.

The phase of the so-called «republican Filangieri» is the most significant. In fact, the post-1789 diffusion of the *Scienza della legislazione* reveals very clearly how difficult it was to reap the benefits of the Enlightenment legacy, confront it and then turn into real documents the principles exposed by the Neapolitan philosopher. In 1791 the last volume devoted to a new form of civic religion appeared posthumously, simultaneously in Naples, Catania, Milan and Venice. At the very beginning of the republican era, a new query emerged: how to compare the experience of other European countries with those of France. The situation became even more complicated because of the Terror, and the choice between the different French constitutional models (1791, 1793, an III), whose acceptance required precise political stances. Another problem particularly felt in the Italian area was the fear of falling into line with France and thus losing the specificity of Italian tradition. Those who had lived and upheld Enlightenment values and universalism were much divided. The re-edition of Filangieri's work represented a new starting point. The seven volumes were republished in Naples (1791), in Venice (1796), in Genoa (1798), in Rome (1798/99) by will Francesco Mario Pagano (later author of the Neapolitan 1799 constitution), in Livorno (1799) and again in Venice (1801)¹⁹.

During these same years, Filangieri's work circulated in Europe and in the Americas. Editions were published in Denmark²⁰, Sweden²¹ and Poland²². Particularly meaningful was a Russian partial translation that appeared in the proto-liberal climate of constitutional debate which preceded the Decembrist revolt (1825). In April 1798 Aleksandr Fedosevič Bestuzhev, an officer in St. Petersburg, began the translation of the *Scienza della legislazione*. The first part (Bestuzhev's treatise on education, which has an obvious connection with the 4th book of the *Scienza*)²³ was published on the *Sankt-Petersburgskoj*

¹⁹ Trampus A. La genesi e la circolazione della *Scienza della legislazione*. P. 333–336. On Filangieri's republicanism as manifest of Radical Enlightenment across the Atlantic see Israel J. Democratic Enlightenment. Philosophy, Revolution and Human Rights 1750–1790. Oxford, 2011. P. 517–518.

²⁰ Filangieri G. Lovgivningssystem / Oversat af det italienske ved J. Collin. Kjøbenhavn: A. Soldin, 1799.

²¹ Filangieri G. Lagstiftningens vetenskap / Öfversättning. Strengnäs: Tryckt hos Carl Er. Ermack, 1814–1821. 5 vols.

²² Nauka prawodawstwa przez kawalera Kaietana Filangieri napisana po Włosku / Tłumaczenia Wincentego Rocha Karczewskiego. Warszawa: W Drukarni Piotra Dufoura Konsyliarza, 1791–1793. 8 vols.

²³ For more details see: Venturi F. I rapporti italo-russi dalla seconda metà del '700 al 1825: Atti del II Convegno degli storici italiani e sovietici // Quaderni di «Rassegna Sovietica». Roma, 1968. Vol. 2. P. 19.

Žurnal (Санкт-Петербургский журнал), a gazette supported by Grand Duke Alexander, future Tsar (from 1801). This text was conceived as a contribution to the debate on reforms. It was also intended as a support to the possibility of a Russian constitution: a claim sustained by the diffusion of Italian and French Enlightenment texts. In 1803, in fact, the extended version of Bestuzhev's treatise (now it was a free translation of passages not only from the 4th book, but also from the 1st one) appeared²⁴, along with Cesare Beccaria's Russian translation. As witnessed by the documents of trial against the Decembrists (among which there were Bestuzhev's four sons), those readings had an important role in the cultural education of the revolutionaries inside constitutional circles²⁵.

The Russian circulation and adaptation of Filangieri's works has many similarities with those recently reconstructed in Latin America. There, the *Scienza della legislazione* was utilized by independence movements and by public figures such as Simon Bolivar and Vicente Rocaфуerte²⁶. Rocaфуerte, who had studied in Madrid and Paris, defended the 1819 Colombian constitution. In particular, he championed republicanism and political representation. In so doing, he referred to one of Filangieri's republican edition (Genoa, 1798). Rocaфуerte argued Filangieri had explained (better than Montesquieu and Mably) that republicanism was not an abstract political utopia, but a fitting constitutional remedy able to conciliate modern constitutionalism, economic development and national independence.

The last important phase of Filangieri's dissemination is linked to the 1822 French edition, containing also Benjamin Constant's commentary. In

²⁴ [Бестужев А.Ф.] Опыт военного воспитания относительно благородного юношества, начертанный по расположению знаменитого итальянского законоискусника Филанжери, писавшего о науках законодательства, дополненный краткими рассуждениями и нужными примечаниями к предмету воспитания касающимися. А. Б...вым. СПб.: тип. И.К. Шнора, 1803. The work was presented also on: The Universal Magazine. New series, containing original Communications in history, philosophy, the belles lettres politics, amusements etc. etc. Vol. IV. July to December, inclusive. London: Printed for H.D. Symonds, 1805. P. 60.

²⁵ Kosmolinskaja G. I lettori russi di Filangieri: Idee riformatrici e progetti costituzionali tra Settecento e Ottocento // Diritti e costituzione: L'opera di Gaetano Filangieri e la sua fortuna europea / A cura di A. Trampus. Bologna, 2005. P. 127–164, especially p. 151–152 (in Russian: Космолинская Г.А. Русские читатели Гаэтано Филанжери (конец XVIII – начало XIX века) // Век Просвещения / Отв. ред. С.Я. Карп. М., 2006. Вып. I. С. 294–325).

²⁶ Escobar Villegas J.C., Maya Salazar A.L. Otras «luces» sobre la temprana historia política de Colombia 1780–1850: Gaetano Filangieri y la «ruta de Nápoles a las Indias occidentales» // Coherencia. 2006. N3. P. 79–111; *Idem*. Ilustrados, leyes penales, control social y administración de justicia durante la época de las revoluciones modernas en Nueva Grenada: Una mirada desde la obra de Gaetano Filangieri // Revista de historia de la educación latinoamericana. 2007. N9. P. 141–178; Gittermann A. «La scienza della legislazione» contra «la volontà del legislatore»: Algunas consideraciones acerca del porqué de la influencia de Filangieri en el pensamiento político hispanoamericano // Nuevo mundo – Mundos nuevos. 2007. N7. P. 1–15 (<http://nuevomundo.revues.org/index3568.html>); Morelli F. Filangieri e «l'altra America»: Storia di una recezione // Rivista storica italiana. 2007. Vol. 119, N1. P. 88–111.

Spain, the restored government launched a new edition of Filangieri's work in 1820. During the so-called Spanish liberal Triennium, followed by six years of absolutist policies, three editions of the *Scienza della legislazione* were published. Those publications were connected to the parliamentary debate on the first Spanish code of criminal law (1822), and with the request to Ferdinand VII to proffer a constitution on the French model²⁷. In April 1821, the bookseller Dufart announced the project of re-editing la *Scienza* in the «Revue encyclopédique». He wanted to publish Gallois's old translation, but with a significant innovation: *Éloge de Filangieri* by Francesco Saverio Salfi. Salfi was a renowned Neapolitan freemason and a long-time exile, living in France. In the *Éloge* Filangieri was transfigured and idealized as a young jurist devoted to humankind and able to prophesize the French Revolution²⁸.

The public use of Filangieri in Italy and France during the 1820s can explain why Constant decided to write a commentary to the *Scienza*²⁹. It occasioned the distance (more illusory than real, at least as far as contents were concerned) between liberalism and Enlightenment. In so doing, Constant wanted to dispel the danger of a possible return of the Ancien Régime. In Constant's opinion, during the Ancien Régime the sovereign-legislator had ruled uncontested, had made empty pledges, and had granted laws sufficient only to give security but not to acknowledge the fundamental rights of freedom³⁰. The ultimate risk was that of putting the legislator above all other human being, almost divinizing him.

In this context, Filangieri's work began to be quoted as model of a new political language and as authority of style and legal practice. Constant's *Commentaire* only confirmed the international relevance of a treatise thought fifty years ago for Naples in the new and different Restoration Europe. Filangieri was quoted also in legal acts. References to Filangieri's work can be found also in the closing arguments pronounced at the trial held in Paris at the Assizes against Michel Michel, Louis Saget and others in 1812³¹. Another interesting

²⁷ Astigarraga J. I traduttori spagnoli di Filangieri e il risveglio del dibattito costituzionale (1780–1839) // Diritti e costituzione. P. 231–290; *Idem*. Political Economy and Legislation: The Great Success of Filangieri's *Scienza della legislazione* in Spain (1780–1839) // Nuevo mundo – Mundos nuevos. 2006. N6. P. 120 (<http://nuevomundo.revues.org/index1911.html>).

²⁸ Salfi F.S. *Éloge de Filangieri* // Filangieri G. Œuvres. Paris: Dufart, 1822. T. I. P. XX.

²⁹ Bastid P. Benjamin Constant et sa doctrine. Paris, 1966. Vol. I. P. 367; Ferrone V. The Politics of Enlightenment. Ch. 10.

³⁰ Bastid P. Op. cit. P. 367; Neppi Modona L. Quelques réflexions sur le Commentaire de Benjamin Constant à la *Science de la législation* de G. Filangieri // Benjamin Constant: actes du congrès Benjamin Constant (Lausanne, octobre 1967) / Éd. par P. Cordey et J.L. Seylaz. Genève, 1968. P. 57–63; Cordey P. Benjamin Constant, Gaetano Filangieri et la *Science de la législation* // Revue européenne des sciences sociales. 1980. T. 18, N50. P. 55–79 (Annales Benjamin Constant; N1).

³¹ Procès instruit par la Cour d'Assises de Paris contre Michel Michel, Louis Saget, Louis-François-Alexandre Salmon et Jean-Nicolas-Marie Mosès, dit Mirabeau, garçon de bureau; accusés d'avoir entretenu des intelligences criminelles avec les agents d'une Puissance étrangère, etc. Paris: P. Didot l'Ainé, 1812. P. 144.

case is the article appeared on *Le spectateur belge: ouvrage historique, littéraire, critique et moral*, edited Léon De Foere, concerning *Le système militaire acqwe comparé à l'ancien ordre moral*. The article was strongly committed to the defense of Catholic morality. Therefore, Filangieri's words (taken from the last volume on religion) were detached from their original context. They were utilized as a warning not to forget that Europe professed a unique religion, whose precepts unified society and kept public order³². In the *Biographie universelle, ancienne et moderne* by Joseph Fr. Michaud and Louis Gabriel Michaud the Neapolitan philosopher was depicted as: «l'un des publicistes du 18^e siècle qui ont le plus contribué aux progrès et à l'adoucisement du sort des hommes»³³. Also, Jean-Etienne-Marie Portalis remembered as one of the most important events of 18th century the fact that «à Naples l'ouvrage de Filangieri prouva qu'on pouvoir y parler des devoirs et des droits des sujets»³⁴. In 1820, Germany, in the new and enlarged edition of the *Grundrisse der Geschichte der Philosophie* by Wilhelm Gottlieb Tennemann, Beccaria and Filangieri were depicted as the most important Italian eighteenth-century philosophers and jurists after Vico³⁵. Again in 1820, Filangieri was described as «a philosopher friend of humankind, and one of the most refined specialist in the history of modern and ancient constitutions»³⁶.

The importance of the *Scienza della legislazione* in Germany (but in a universalistic dimension as in Filangieri's spirit) has its most significant examples in two authors destined to have a profound mark on late eighteenth-century and early nineteenth-century European culture: Herder and Feuerbach. In his *Briefe zu Beförderung der Humanität*, Herder compared Filangieri to Montesquieu and to Quaker culture concerning the influence of their principles over nations³⁷. In his *Anti-Hobbes: oder über die Grenzen der höchsten Gewalt und das Zwangsrecht*, Feuerbach turned to Filangieri's authority to affirm the right of punishing is based not only on the prince's power but also on man's natural rights³⁸.

³² *Le Spectateur Belge: ouvrage historique, littéraire, critique et moral* / Éd. par L. De Foere. Bruges: Veuve De Moor, 1816. Vol. 4. P. 354.

³³ *Ginguené P.-L.* Filangieri Gaetano // *Biographie universelle, ancienne et moderne* / Éd. par J.F. Michaud et L.G. Michaud. Paris: Michaud, 1815. T. XIV. P. 523–529.

³⁴ *Portalis J.-É.-M.* De l'usage et de l'abus de l'esprit philosophiques durant le dix-huitième siècle. Paris: A. Égron, 1820. T. II. P. 283.

³⁵ *Tennemann W.G.* Grundriss der Geschichte der Philosophie für den akademischen Unterricht. Dritte vermehrte und verbesserte Auflage / herausgegeben von A. Wendt. Leipzig: J.A. Barth, 1820. S. 454–455.

³⁶ *Ideler C.L.* Handbuch der italiänischen Sprache und Litteratur oder Auswahl gehaltvoller Stücke aus den klassischen Italiänischen Prosaisten und Dichter, Duncker und Humblot. Berlin: [s.n.], 1820. S. 498–511.

³⁷ *Herder J.G.* Briefe zu Beförderung der Humanität. Sechste Sammlung. Riga: J.F. Hartknoch, 1795. S. 532.

³⁸ *Feuerbach P.J.A.* Anti-Hobbes oder über die Grenzen der höchsten Gewalt und des Zwangsrechts der Bürger gegen den Oberherrn. Bd. I // Henningssschen Buchhandlung. Erfurt, 1798. S. 227.

One could cite additional examples and quotations, but what it is important to note is that, during the two first decades of the 19th century and beyond, the *Scienza della legislazione* kept on igniting the debate on politics, on constitutionalism, and on the controversial them of human rights. It was read, adapted, utilized in cultural and temporal contexts much different from those in which it had been created³⁹. Starting from this point of view and taking into account the suggestions from the Global Enlightenment debate, it seems necessary a renewed historiographical awareness able to better reconstruct and interpret the paths and process which connect late Enlightenment culture with the transformation of constitutionalism and European politics during early modern and modern ages.

Антонио Трампус

**Просвещение в глобальной истории:
Наука о законодательстве Филанджери
и трансформация политического языка**

В течение последнего десятилетия исследования, посвященные стратегиям распространения и адаптации некоторых ключевых текстов позднего Просвещения, позволили понять, какие элементы культуры этого периода смогли пережить потрясения Французской революции и наполеоновских войн и вошли затем в новую европейскую культуру XIX в. История одного из таких текстов, его распространения, существования и переосмысления после смерти автора, дает ключ к пониманию истинного смысла «долгого восемнадцатого века».

История изданий и переводов *Науки о законодательстве* Гаэтано Филанджери, а также последующих комментариев на эту книгу показывает, что новизна содержания была неразрывно связана в ней с новизной языка, и что ее текст при соответствующей переводческой стратегии служил обновлению политического языка других стран и культур (в том числе стран Германского союза, России, Швеции). Изданная в Неаполе, на родине Филанджери, *Наука о законодательстве* способствовала ускоренному распространению новых ценностей и понятий, чей «подрывной» по отношению к Старому порядку потенциал в полной мере сознавали различные переводчики, издатели и комментаторы, в частности – Бенжамен Констан.

³⁹ On Filangieri's political economy and the diffusion of his reflection see also Reinert S.A. *Translating Empire: Emulation and the Origins of Political Economy*. Cambridge, MA, 2011. P. 226, 246, 285.