

Republicanism

A Shared European Heritage

VOLUME I

Republicanism and Constitutionalism in Early Modern Europe

Edited by Martin van Gelderen
and Quentin Skinner



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Republicanism

These volumes are the fruits of a major European Science Foundation project and offer the first comprehensive study of republicanism as a shared European heritage. Whilst previous research has mainly focused on Atlantic traditions of republicanism, Professors Skinner and van Gelderen have assembled an internationally distinguished set of contributors whose studies highlight the richness and diversity of European traditions. Volume I focuses on the importance of anti-monarchism in Europe and analyses the relationship between citizenship and civic humanism, concluding with studies of the relationship between constitutionalism and republicanism in the period between 1500 and 1800. Volume II is devoted to the study of key republican values such as liberty, virtue, politeness and toleration. This volume also addresses the role of women in European republican traditions, and contains a number of in-depth studies of the relationship between republicanism and the rise of commercial society in early modern Europe.

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VOLUME I

*Republicanism and Constitutionalism
in Early Modern Europe*

Edited by MARTIN VAN GELDEREN

and QUENTIN SKINNER



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Acknowledgments

In May 1995 the European Science Foundation (ESF) accepted a proposal to set up a network for the study of republicanism as a shared European heritage. The proposal had been worked out by a group of six scholars interested in different aspects of this theme: Catherine Larrère (University of Bordeaux 3), Hans-Erich Bödeker (Max-Planck-Institut für Geschichte, Göttingen), Ivo Comparato (University of Perugia), Iain Hampsher-Monk (University of Exeter) and ourselves.

We were influenced in our choice of subject by two earlier international collaborations. One of these was the *convegno* held at the European University Institute in 1987 on the place of republicanism in the political theory of the Renaissance. Organised by Gisela Bock, Maurizio Viroli and Werner Maihofer, this meeting eventually gave rise to the volume *Machiavelli and Republicanism* published by Cambridge University Press in 1990. Our other source of inspiration was the ESF programme *The Origins of the Modern State in Europe, 13th to 18th Centuries*. As part of this project, Janet Coleman chaired a group studying many aspects of the relationship between the development of notions of individuality and the formation of the European system of states. The role played by republics and republican values in this process was a subject of discussion in the group, but it was not one of the themes of the ESF programme. It was specifically noted in the discussions of the group that more attention should be paid to the history of republicanism after the era of the Renaissance and outside the confines of Italy. This became our theme, and between September 1995 and September 1997 we devoted four *Arbeitsgespräche*, workshops and *convegni* to discussing it.

We are deeply indebted to the institutions which agreed to act as our hosts on these occasions, and to the individual members of our network who organised our meetings and made them such a success. Our warmest thanks go

to Hans Bödeker and the Max-Planck-Institut für Geschichte in Göttingen, where we held our first meeting on ‘Republicanism as Anti-Monarchism’ in April 1996; to the Netherlands Institute of Advanced Study (NIAS) in Wassenaar, where our meeting on ‘Republicanism and the Rise of Commercial Society’ took place in September 1996; to Ivo Comparato and his colleagues at the University of Perugia, where we held our third meeting on ‘The Political Institutions of the Republic: Discourse and Practice’ in April 1997; and to Catherine Larrère and the University of Bordeaux 3, where our fourth meeting on ‘*Les Mœurs républicaines*: the political culture of Republicanism’ was held in September 1997.

We were able to take stock of our findings, and to pursue their implications in new directions, at a final meeting in Siena in September 1998. This additional *convegno*, under the title ‘The Historical Perspectives of Republicanism and the Future of the European Union’, was organised in cooperation with the Comune di Siena and took place in the Sala della Pace of the Palazzo Pubblico. We are deeply grateful to Siena’s *sindaco* Pierluigi Piccini and to Carlo Infantino for their invaluable support and splendid hospitality. We should also like to thank Monte dei Paschi di Siena for contributing a generous grant towards our expenses.

We also wish to express our thanks to Christ’s College Cambridge for agreeing to allow our steering committee to hold its meetings there. We initially met in June 1995 to plan our workshops and decide whom to invite to them. We met again in January 1999 to evaluate the activities of our network in company with representatives of the European Science Foundation and to discuss our plans for publication with Cambridge University Press. On both occasions the College made us very welcome and offered us much hospitality.

The academics and administrators of the European Science Foundation have aided us in very many ways. In the planning phase of our network Max Sparreboom offered especially valuable advice. Vuokko Lepisto attended our first two workshops and gave us much help and support. During the latter phases of our project we were especially fortunate to work with Antonio Lamarra, who took a highly scholarly interest in our activities as well as providing us with further generous support. The Chairman of the ESF’s Standing Committee in the Humanities, Wim Blockmans, proved willing at all times to offer academic, administrative and good-humoured diplomatic advice on a variety of European academic matters.

The period since our meetings came to an end has been one of unexpectedly heavy editorial work. The business of translating, reshaping, revising and adding to our original conference papers has had the effect of

transforming them almost out of recognition, but it has taken us a long time. We are deeply grateful to the editorial staff at Cambridge University Press for their patience and encouragement throughout this period. We owe particular thanks to Richard Fisher, who gave us excellent advice at the outset and has edited our volumes with great good humour and unwavering efficiency. The Press also provided us with a handsome grant towards our translation expenses, matched by a no less handsome sum from the European Science Foundation. We should note that these volumes are not the only fruits of our network's research. Ivo Comparato, Catherine Larrère and Hans-Erich Bödeker are editing a volume of essays on 'Republican Founding and Republican Models' to be published by Olschki in Florence. Meanwhile a number of papers from our *convegno* in Siena have already been published in *Demands of Citizenship* (London, 2000), edited by Iain Hampsher-Monk and Catriona McKinnon.

We end with the expression of our greatest debt, which is of course to our friends and fellow members of the network. We are deeply grateful to our fellow coordinators Catherine Larrère, Hans-Erich Bödeker, Ivo Comparato and Iain Hampsher-Monk, all of whom discussed every aspect of our project with us at numerous meetings in Cambridge, in Amsterdam cafés and in restaurants in Perugia, Bordeaux and Siena. We are likewise grateful to all our contributors, each of whom participated in at least two of our workshops. They succeeded in turning each one of these occasions into a highly successful combination of hard work, intense discussion and exemplary sociability. We are grateful too for their forbearance in the face of our subsequent calls for the revision – and in many cases the complete re-writing – of their individual chapters. As these volumes go to press, we are delighted to learn that there is still time to offer our warmest thanks to our sub-editor Virginia Catmur, who has brought to bear an extraordinary level of skill and meticulousness, and has succeeded in sorting out a very large number of last-minute difficulties.

While our volumes were in final preparation, our friend Eluggero Pii died after a terrible illness stoically borne. It is an honour to publish here his final paper, the last testimony to the depth, breadth and grace of his scholarship.

QUENTIN SKINNER
MARTIN VAN GELDEREN

Introduction

The following chapters stand in little need of introduction, since they are all the work of recognised experts on the history and theory of European republicanism. A word does need to be said, however, about the editorial decisions we have made in respect of the topics we have chosen to cover and the chronological limits of our coverage.

Chronologically our two volumes focus on the period roughly extending from the mid-sixteenth to the late-eighteenth century. This reflects our sense that the earlier history of republicanism in the Renaissance, and the later fortunes of the movement in the nineteenth century, have both been better served in the existing scholarly literature. In particular, it is worth noting that several contributors to these present volumes took part in the production of *Machiavelli and Republicanism* (1990), in which the origins and influence of the Florentine model of the *vivere libero* were extensively surveyed. The basic decision we made in setting up our more recent network was that the period most in need of further study was the one following the demise of the Renaissance city-republics and preceding the recrudescence of republican theory and practice in the era of the French Revolution.

A word next needs to be said about the specific themes on which we have chosen to concentrate. These reflect our sense of how the values and practices associated with European republicanism can most illuminatingly be made to fit together. We accordingly begin, in Part 1 of Volume 1, with the rejection of monarchy. Whatever else it may have meant to be a republican in early-modern Europe, it meant repudiating the age-old belief that monarchy is necessarily the best form of government. We already find this assumption implicitly questioned in some Huguenot political writings of the French religious wars, and we encounter a far more explicit challenge among the enemies of absolutism in eastern Europe, perhaps above all (as Chapter 3 reveals) in

Poland. But it was in the Netherlands, and later in England, that the repudiation of monarchy assumed its most dramatic forms. The Dutch abjured their allegiance to their overlord, Philip II, in 1581 and went on to fight successfully for the establishment of a federated republic, while the English executed their lawfully anointed king, Charles I, in 1649 and set up ‘a Commonwealth and Free State’. Chapters 1, 2 and 4 of Part I examine the rôle of anti-monarchical sentiment in the unfolding of these unprecedented events.

We turn in Part II of Volume I to the figure of the citizen, the figure whom we take to be pivotal to the republican politics of early-modern Europe. One crucial fact, duly emphasised by all the contributors to this section, is that the image of citizenship projected by the republican writers of our period was largely drawn from classical and ‘civic humanist’ sources. This generalisation is shown to hold across much of the European map, from England (Chapter 5) and the Netherlands (Chapter 6) to Germany (Chapter 7) and Poland (Chapter 8).

According to the classical authorities beloved of early-modern republicans, the essence of what it means to be a *civis* or citizen is to be in possession of one’s liberty as opposed to being a slave. This assumption not only underlies much of what our contributors have to say about the concept of citizenship in Volume I, but resurfaces in Part I of Volume II in the discussions of freedom (Chapter 1) and its connections with empire (Chapter 2). The predicament of the slave, as we learn from the rubric *De statu hominis* in the Digest of Roman Law, was held to be that of someone condemned to living *in potestate domini*, within the power and hence at the mercy of a master possessed of arbitrary powers. As Hobbes was to complain in *Leviathan*, the republican and ‘democratical’ writers proceeded to extend this definition in such a way as to argue ‘that the Subjects in a Popular Commonwealth enjoy Liberty; but that in a Monarchy they are all Slaves’. If we live as subjects of rulers with arbitrary or prerogative powers, they claimed, we are living at their mercy and hence in a state of servitude.

Hobbes was only the most prominent among numerous defenders of monarchy who raised an obvious objection to this line of argument. How can the mere fact of living under a monarchy limit our options and thereby deprive us of liberty? The answer drawn by the exponents of republicanism from their classical and ‘civic humanist’ authorities was that slavery inevitably breeds slavishness; that those condemned to a life of servitude will find themselves obliged to cultivate the habits of servility. As Sallust and Tacitus had warned, no deeds of manly courage or great-heartedness can ever be expected from such abject peoples. They will be too fearful of attracting the

envious attention of their rulers and thereby bringing ruin instead of glory upon themselves. Nor can they be expected to benefit themselves and their country by winning great fortunes from daring ventures of exploration or commerce. Since they know that whatever gains they accrue will always be subject to arbitrary confiscation with impunity, they will scarcely trouble to take the risks or expend the energies required. It accordingly became a trope of republican writing to claim that nothing but torpor and sullen acquiescence can be expected from the subjects of absolute monarchies. We must expect to find them – as a revealing series of neologisms put it – discouraged, dis-hearted, dis-spirited. By contrast, the freedom of the republican citizen was taken to consist essentially in being secured against such arbitrary domination or interference. The republican citizen was consequently said to enjoy something far more substantial in the way of *libertas* than mere *de facto* absence of constraint. He was said to enjoy protection from the possibility of suffering such constraint. Republican citizens could be governed, but not mastered. This was taken to be the most precise way of distinguishing between genuine citizens and mere subjects. The espousal of this exacting vision of civil liberty brought with it some fundamental questions about forms of government. What type of constitution is best suited to upholding both the liberty of citizens and the stability of commonwealths? Under what form of constitution, in other words, will it be possible to ensure that the laws are duly enforced but that citizens are at the same time immune from arbitrary domination or interference on the part of their government? These are among the issues to which our contributors turn in Part III of Volume 1, our section entitled ‘The Republican Constitution’.

As one might expect, many republicans took it to be obvious that, whatever else is true of such constitutions, they must eschew any vestiges of monarchical authority. This was because, as the English Act of 1649 abolishing kingship put it, there is an inherent tendency for regal power ‘to oppress and impoverish and enslave the subject’. Paradoxically, however, the upholding of civic liberty was not invariably taken to require a republican constitution in the strictest sense. Sometimes it was conceded that, if one could have a Doge-like monarch, subject to election and bereft of prerogative powers, this might offer the best prospect of assuring the right combination of public order and civil liberty. This paradox echoes throughout the early-modern period. We encounter it in Machiavelli’s question as to whether a *repubblica* can be sustained ‘per via di regno’, and we hear it again in Hume’s suggestion that the progress of the arts and the maintenance of liberty may often fare better under ‘civilised monarchies’.

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Whatever view was taken of this issue, it was generally agreed that, in order to avoid the dangers of tyranny, it will always be essential to prevent our rulers from imposing their wills on us arbitrarily and without check. This was taken to follow from the cardinal assumption that subjection to unchecked power is equivalent to servitude. These commitments help in turn to explain why so many republican theorists – as we learn from Part III of Volume I – were preoccupied by two constitutional problems above all. One was the question of how best to frame a mixed constitution, a *respublica mixta*, in such a way as to deploy power to balance power. The other was the associated question of how to ensure that the people are able to make their voice heard – at least by representation – in the process of law-making, so that whatever laws are enacted may be said to reflect their wills as opposed to being arbitrarily imposed upon them. As a number of chapters in Part III of Volume I reveal, these problems were eclectically solved by reference to whatever sources seemed most serviceable, including local custom, classical theory and the exemplary instance of the Jewish commonwealth, a constitution widely believed to reflect God’s own political preferences. Republican writers generally agreed that, so long as arbitrary power is duly outlawed and representation assured, we can legitimately claim to be living in ‘a free state’. As this terminology reveals, the republicans took as seriously as possible the alleged analogy between natural and political bodies. Just as natural bodies are said to be free if and only if they are moved to act by their own wills, so too with political ones. To live in a free state is to live under a constitution in which the body politic is never moved to act except by the will of the citizen body as a whole.

If we have the good fortune to live under such a constitution, this will not only have the effect of securing our civil rights; it will also emancipate us from the servility that comes of living under any form of absolute government. To put the point another way, the liberty enjoyed by republican citizens was at the same time held to be an inducement to civic virtue. Freed from the dread of the mighty, we can hope to undertake great and courageous deeds. Freed at the same time from any fear that our property may be taken away from us with impunity, we can likewise hope to pursue our fortunes without anxiety and thereby benefit our community as well as ourselves. Just as the subjects of arbitrary power become disheartened and discouraged, so the constitution of a free state helps to hearten and encourage its citizens to expend their best energies in their own and the public’s interests. One consequence of these assumptions was that many defenders of free states became proponents of expansionist policies, seeking in James

Harrington's words to establish commonwealths not merely 'for preservation' but 'for increase'. As we learn from a number of the contributions to Volume II, however, the question of empire always remained for republicans a vexed and difficult one. On the one hand, a number of free states, including the Netherlands after independence and Britain in the 1650s, took the view that liberty at home should be matched by greatness abroad, and turned themselves into enthusiastic and successful imperialists. But on the other hand, many republicans feared that the acquisition of an overseas empire might undermine the conditions of virtuous citizenship at home. They were worried about the large armies needed for policing extended frontiers, partly because such forces undermined the traditional identity between soldier and citizen, but even more because they offered governments a tempting means of seizing absolute power. But they also feared moral contamination at the hands of the conquered, a fear as old as Sallust's concern that the introduction of what he called 'Asiatic habits' might bring about the corruption of European *mœurs*. We are left pondering the various ways in which early-modern republicans conceived of the relationship between the values of the *patria* and those of other and wider communities.

A further important topic raised in Part I of Volume II concerns the character of the virtuous citizen. As constructed by the theorists of free states, the republican citizen was undoubtedly a figure of powerful energies and commitments. His concern for liberty made him a vigilant critic of governmental encroachment (Chapter 1), while his belief in the equal standing of citizens made him at least potentially a friend of religious toleration (Chapter 3). By the beginning of the eighteenth century, however, we find his limitations as a moral exemplar increasingly exposed to criticism and even ridicule. His vaunted free-speaking and contempt for courtliness were both challenged by new ideals of politeness and urbanity (Chapter 5), while his fierce insistence on the need for independence was overtaken by new conceptions of civility and sociability (Chapter 6).

We bring our volumes to a close by considering in greater detail the two most important limitations of the republican citizen and his system of values. One stemmed from the fact that his virtue was very much the classical *virtus* of the *vir civilis*, and was consequently viewed as an eponymously male attribute. A construction of masculinity undoubtedly underpinned the ideology of 'civic humanism'. What place did this leave for women in the republic? How was the public space of the republic gendered? These are the questions addressed in Part II of Volume II, in which we examine the confrontation between the republican image of virtue and the demand

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for greater sexual equality. The other limitation on which we focus arose in a similar way from the classical sources of republican thought. As we have seen, the ancient moralists believed that freedom acts to release all kinds of energies, including those which enable prudent and courageous men to amass fortunes for themselves. But they also believed that the highest duty of the *vir civilis* is to employ his energies for the good of his community, whether in a civil or a military capacity. This latter commitment prompted most republicans to insist on honour and glory as the proper goals of the *vir civilis*, and this in turn frequently prompted them to speak disparagingly of the acquisition of wealth as a base and even an unpatriotic pursuit.

The ambiguous implications of this inheritance for the relationship between republicanism and the rise of commerce form the subject of our concluding section in Volume II. We end with the figure of Adam Smith, and with the confrontation between republican principles and commercial realities. With Smith's reflections on our theme, we begin to move away from early-modern debates about virtue and commerce and to enter a more recognisably modern world.

One question that cannot be ignored in discussions about our republican heritage is how far we are confronting a usable past. In our own case these discussions gave rise to a further editorial decision which the present volumes reflect. We resolved to exclude such questions as far as possible, and we further resolved to consider them at a separate conference and, eventually, in a separate book. As we note in our Acknowledgments, this additional *convegno* duly took place, and a volume arising from it has already been published. By contrast, our aim in the present volumes has been to stand back from the politics of republicanism and to produce a series of purely scholarly studies aimed at furthering an historical understanding of this aspect of our intellectual heritage.

Part I

The Rejection of Monarchy

‘That a Republic is Better than a Monarchy’: Anti-monarchism in Early Modern Dutch Political Thought

WYGER R. E. VELEMA

Historical scholarship has not been very generous in its treatment of seventeenth- and eighteenth-century Dutch republicanism. Whereas it is hard to keep track of the continuous stream of studies devoted to early modern Italian or English republicanism, publications on the political thought of the Dutch Republic have remained few and far between. Indeed, although the situation has somewhat improved in recent years, it may still be stated without exaggeration that large areas of early modern Dutch political thought remain entirely unexplored. There are, leaving aside the remarkable fact that the history of political thought has never been a prominent field of study in Dutch academia, at least two reasons for this rather unsatisfactory state of affairs.

First of all, there is the deep-seated conviction that the Dutch have always been a thoroughly practical, pragmatic, and commonsensical people, not much inclined to theory. Thus, in a recent overview of early modern Dutch republicanism, Herbert Rowen once again ends with the time-worn cliché that Dutch political theory did not match Dutch political practice. ‘Can it be’, his concluding rhetorical question goes, ‘that those who possess liberty – as the Dutch did in these two centuries more than any other people in Europe – are not driven to philosophize about it?’ (Rowen 1994: 340). Quite an amazing verdict, one cannot help thinking, on a culture that produced not only Grotius and Spinoza, but also an astonishingly rich political pamphlet literature – see for instance Knuttel 1889–1920.

Even more important than this strangely tenacious myth however, is the fact that those relatively few scholars who decided to ignore it have, until quite recently, attempted to study the history of early modern Dutch political thought with the sole purpose of identifying a particularly and exclusively Dutch form of political discourse. This was the dominant (and severely

limiting) perspective both in Ernst Kossmann's classic 1960 monograph – the first, it should be mentioned in passing – on the political thought of the Dutch seventeenth century and in the Dutch debate following the publication of J. G. A. Pocock's *Machiavellian Moment* in 1975.¹ Kossmann's conclusion in the exchange last mentioned that there was no 'Dutch paradigm' in early modern political thought may very well be true, but the question it answers does not seem to be particularly fruitful or enlightening, for there were very few if any early modern European nations with totally original and entirely exclusive traditions of political thought or language (Kossmann 1985). The dominant early modern political languages were, to a large extent, international. The interesting question, therefore, is how and why they were applied, rejected, adapted or extended in various national and international contexts and under different circumstances. Fortunately, such an approach is now at last slowly gaining ground in the study of Dutch political thought, the pioneering effort in this respect being E. O. G. Haitsma Mulier's 1980 monograph on *The Myth of Venice and Dutch Republican Thought* (Haitsma Mulier 1980).

The above general observations on the study of early modern Dutch republicanism all strongly apply to the subject of the present article, the anti-monarchical element in early modern Dutch political thought. First of all, this evidently crucial aspect of Dutch republicanism has so far not been subjected to systematic study. Secondly, it is eminently suited to dispel the myth that the Dutch were disinclined to give political matters much thought. There can be no doubt that the anti-monarchical literature in the Dutch Republic, ranging from popular and cheap pamphlets to learned treatises, was enormously rich, both in quantity and in quality. It would, of course, only have been surprising had this not been the case in a country that originated in a revolt against a monarch and prided itself on its republican liberty ever since.² Thirdly and finally, even the most superficial perusal of Dutch anti-monarchical writings immediately makes it clear that Dutch theorists did not operate in national isolation. Just as they liberally used French Huguenot theories of resistance during the sixteenth-century struggle with Philip II, they borrowed from Machiavellian republicanism, Cartesian psychology, and Hobbesian philosophy in the course of the seventeenth century (Van Gelderen 1992; Kossmann 1960; Haitsma Mulier 1980). In the eighteenth century in turn they adapted Addison and Steele's spectatorial politeness, utilised Montesquieu's new typology of the forms of government, and absorbed Paine's anti-monarchism

1. Kossmann 1960. Pocock 1982.

2. Early modern Dutch concepts of liberty are discussed in Haitsma Mulier and Velema (eds.) 1999.

(Buijsters 1991; Velema 1997; Leeb 1973; Klein 1995). To look for a purely Dutch and entirely original form of anti-monarchism would, it is clear, be both useless and nonsensical.

The interesting question to be asked, then, is not whether Dutch anti-monarchical theorists did or did not use predominantly non-Dutch authors as their sources of inspiration, but how they adapted the various available international political languages to their own needs and circumstances. Here it needs to be pointed out with some emphasis that the circumstances the early modern Dutch found themselves in were rather exceptional.³ In an age that saw the growth of various forms of territorially extended and more or less centralised monarchy, the Dutch inhabited a small, decentralised, commercial republic. The first function of their reflections upon the monarchical form of government was therefore to increase their understanding of the organisation of their own state by comparing it to the political life of the countries surrounding the Dutch Republic. Had this been all, Dutch anti-monarchism might never have become as intense as it did. What provided the stimulus for the most principled and fervent rejections of monarchy from the mid-seventeenth century on, however, was not international comparison, but the rôle of anti-monarchism in domestic political dispute.

The state that had emerged from the Dutch Revolt was a republic in which the assemblies of the States, variously composed in each province, were held to be sovereign. At the same time, however, and for a variety of reasons, the function of Stadholder was retained in the new political system. Throughout the history of the Dutch Republic the position of the Stadholder remained, as Herbert Rowen has remarked, 'an improvisation' (Rowen 1988: ix). It was based on an ill-defined assembly of special rights, privileges, usurpations and informal influence. Despite or because of the opaque nature of their position, the Stadholders, elected by each province separately, succeeded in accumulating a considerable amount of symbolic and real power on both the national and the provincial level. Particularly important in this respect was the fact that their function combined substantial political power and the supreme military command in one and the same person. It was precisely this combination that made William II such a formidable opponent in his 1650 conflict with the province of Holland and that prompted the abolition of the Stadholderate in that most important of all the Dutch provinces – and several

3. All previous general histories of the Dutch Republic, both in English and in Dutch, have now been superseded by Jonathan Israel's magisterial work (Israel 1995). Illuminating reflections on the history of the Dutch Republic in comparative perspective are offered in Davids and Lucassen (eds.) 1995.

others – between 1651 and 1672 (*ibid.*: 77–112). During this so-called First Stadholderless Era, the opponents of the Stadholderate argued their case by equating the Stadholder with a monarch. Their anti-monarchism, in other words, was the outcome of a domestic political need. Since the adherents of the Stadholder were careful not to present him as a monarch, but as one of the indispensable elements in a republican system of mixed government, their opponents were necessitated either to reject mixed government altogether or to come up with a modified version of it.⁴ The clear-cut opposition between Orangists and *Staatsgezinden* that took shape in these years would dominate Dutch political debate until the final decades of the eighteenth century (Leeb 1973, *passim*).

It will be my aim in the present article to attempt to further our understanding of Dutch anti-monarchism by discussing two powerful and widely influential, yet quite different, varieties of it. Although, as we have seen, it would be incorrect to equate Orangism with monarchism, it nonetheless remains true, for the reasons outlined above, that the most intense anti-monarchism surfaced among the opponents of the Stadholderate. The authors I have chosen to discuss shared their intense dislike of that institution. They also worked outside the mainstream of academic political theory and wrote in their native language. Their relatively sophisticated anti-monarchism was crudely echoed in hundreds of less refined political pamphlets and may therefore be taken to represent an important current in early modern Dutch political thought. In the following section I will discuss the anti-monarchical treatises the brothers De la Court published in the 1660s. I shall then turn to the anti-monarchism of the Zeeland regent Lieven de Beaufort, who wrote during the Second Stadholderless Era, the period between 1702 and 1747. Finally, in a short concluding section, I shall briefly indicate why both these forms of strong and principled anti-monarchism lost much of their relevance and appeal in the political discourse of the Dutch patriots during the last two decades of the eighteenth century.

1. True Liberty and Anti-monarchism: De la Court

In 1664 an Englishman summarised the prevailing political mood among the Dutch with the following remark: ‘Tell them of Monarchy but in jest, and they will cut your throat in earnest.’⁵ The intense contemporary anti-monarchism this anonymous observer was referring to can be found in a great

4. On Orangist political thought during the First Stadholderless Era see Van de Klashorst 1986.

5. *The Dutch Drawn to the Life*, London, 1664, p. 39. Cited in Rowen 1978: 381.

variety of writings, ranging from the historical polemics of Johan Uytenhage de Mist to Radboud Herman Scheels's classically inspired *Libertas publica* and from the learned and abstract treatises of Spinoza to a host of popular pamphlets.⁶ Perhaps its best known expression came from the government of Holland itself in the form of Johan de Witt's famous *Deductie* of 1654, written in defence of the adoption of the Act of Seclusion earlier that same year.⁷

Yet despite the considerable importance of all these anti-monarchical writings, there can be no doubt that Dutch anti-monarchism in these years of so-called 'true liberty' found its most eloquent and complete expression in a series of works, published in the early 1660s, by the Leiden entrepreneurs Johan and Pieter de la Court. These works included the *Considerations of State, or Political Balance*, the *Political Discourses*, and the *Interest of Holland*, an expanded version of which was translated into English in 1702 as *The True Interest and Political Maxims of the Republic of Holland*.⁸ All of these books enjoyed a wide readership and were reprinted numerous times – the *Interest of Holland* eight times in 1662 alone – and underwent constant revision between various editions.⁹ It was Pieter de la Court who supervised their publication, since Johan had died in 1660. Exactly who wrote what will probably never be known and is not a matter of relevance to the present topic. For the sake of convenience, I shall simply refer to De la Court from here on. Although there is no full-length monograph on De la Court and his work, a number of aspects have been analysed. Thus Van Tijn has studied his economic thought, Kossmann has presented him as the first representative of Dutch 'republican modernism', Haitsma Mulier has related his work to Italian political thought in general and the so-called myth of Venice in particular, and most recently Blom has proclaimed him to be one of the most eminent representatives of Dutch 'naturalism'.¹⁰ Valuable as all of these contributions are, none of them has discussed at length and in detail De la Court's views on the monarchical form of government. In what follows, this will be attempted, with special reference to his most general discussion of monarchy, the entire first part of the *Political*

6. Indispensable to the study of the political thought of this period is Van de Klashorst, Haitsma Mulier and Blom (eds.) 1986. General discussions of the debate over the Stadholderate in the First Stadholderless Era include Geyl 1971 and Van de Klashorst 1999.

7. [De Witt] 1654. Parts of the *Deductie* have been translated into English in Rowen 1972:

192–200. Rowen discusses the *Deductie* and De Witt's republicanism in Rowen 1978: 380–400.

8. The first editions of the three main books were De la Court 1660, 1662a, 1662c.

9. An indispensable and exhaustive bibliographical guide is provided by Wildenberg 1986.

10. Van Tijn 1956; Kossmann 1960: 36–49; Haitsma Mulier 1980: 120–69; Blom 1995: 157–82. See also the various contributions in Blom and Wildenberg (eds.) 1986.

Balance, and, to a lesser extent, the much shorter Book v of the *Political Discourses*.¹¹

De la Court's political thought was both extraordinary lively and highly unsystematic. He freely mixed Cartesian philosophy with political anecdotes and maxims, effortlessly combined grave historical examples with humorous political fables. Yet despite this seemingly chaotic mode of proceeding, the main elements in his political thought were fairly clear and simple. At the basis of his view of political life stood a theory of human nature which was strongly influenced, as Kossmann has shown, by Descartes's *Les Passions de l'âme*, first published in Amsterdam in 1649 (Kossmann 1960: 37–43). For De la Court, man was a vulnerable, needy, and weak creature, dominated by strong passions and powerful natural drives, among which self-love and the desire to further his own interests – defined as the limitless accumulation of property, honour, and power regardless of the cost to others – were the most important ones. These passions could and should be bridled and tamed by various means, the development of reason and virtue through education being among them. Yet in the end – flesh and blood being stronger than mind and reason – it was unrealistic to expect even the most civilised and reasonable person entirely to rise above his selfish passions unless he was literally forced to do so. 'It is necessity, and the fear of harm, which bridle man much more than reason and virtue, for reason and virtue can do no more than to give advice, whereas necessity forces. It breaks, as the saying goes, both laws and iron' (De la Court 1662b, Book v, p. 145).

Departing from this rather bleak view of human nature and behaviour, De la Court immediately moved on to its implications for political life. In the state of nature, he explained with several references to Thomas Hobbes, man lived in a perpetual state of war and in constant fear of all his fellow human beings. Given the fact that this was the most dreadful situation imaginable, a perfect hell on earth to which even the worst of all governments was to be preferred, everybody was desirous to leave it (De la Court 1662d: 13–23). The way to do so was 'to make a peace with several people and a treaty not to damage each other, but to help each other against the violence of all others' (*ibid.*: 23). For the treaty to succeed, it was essential that it stipulate who was to be given the power to maintain it. This could be one person (monarchy), a small assembly (aristocracy), or everybody (popular government or democracy), as long as this highest sovereign power was not divided. For to establish a

11. The editions I have used are De la Court 1662d, 1662b. The quotation that gives the present article its title is from De la Court 1662b, Book v, p. 105.

divided sovereignty, De la Court maintained with great emphasis, was to choose a straight road back to the disastrous state of nature (*ibid.*: 23–36).

From De la Court's brief treatment of the nature of man and the origins of political society two core elements of his political thought emerged with great clarity. On the basis of his bleak view of man, he emphatically rejected any form of government based on the political virtue, that is to say the capacity to pursue the common good in a disinterested way, of either rulers or ruled. The only realistic way to arrive at good government was to make the inevitable human self-interest promote the common good. 'A good government', he remarked in a key passage, 'is not one in which the welfare or the misery of the subjects depends on the virtue or vice of the rulers, but . . . one in which the welfare or the misery of the rulers necessarily follows the welfare or the misery of the subjects' (De la Court 1662d: 34). Secondly, it was perfectly clear that he would only be discussing the three pure forms of government, since any mixed form was equivalent to chaos and the disintegration of the body politic.

Before he started his discussion of each of the three separate forms of government, however, he made a further point, which constituted his first blow against monarchy. In a short section of the *Political Balance* on the origins of the three forms of government, he pointed out that nobody in a political community was by nature born to rule or to be ruled. The power to rule of any group smaller than the political community as a whole – that is to say either an aristocracy or a monarch – therefore, had, if it were to be called legitimate, at some point to be entrusted to it by the entire community. Democracy or popular government, it followed, was the oldest and most legitimate form of government. Now it was perfectly conceivable, he continued, that a popular assembly would entrust the power to rule to a number of elected and capable men. Aristocracy could therefore be considered a legitimate form of government. But it was utterly inconceivable that it would entrust this power to one single man and his descendants in all eternity. Even before he started discussing this form of government, in other words, De la Court had already decided that the origins of monarchy could never be legitimate and had to be sought, as he would later put it, in violence and fraud. The tone, one might say, was set (De la Court 1662d: 36–9).

De la Court's definition of monarchy was simple: it was that form of government where one person rules and all others obey. Remarkably, he did not sharply distinguish between different forms of monarchy and did not set monarchy off from tyranny. The Greeks, he observed at the beginning of the *Political Balance*, called the rule of one 'monarchia'; later on in the same

work, however, he repeatedly remarks that the Greeks and the Romans called it ‘tyranny’ (De la Court 1662d: 35). The Turkish Empire, generally regarded in Europe as the epitome of tyranny, De la Court discussed at length as the most perfect example of monarchical government (*ibid.*: 175–229).

In general, De la Court pointed out, monarchy was regarded as the best form of government.¹² The first reason for this was sought in the advantages of a monarchical upbringing. If a person was known to be the successor to the throne at the moment of his birth, he could be given a fitting education and be provided with the best teachers available and thus be fully prepared for his task at the moment of accession to the throne (De la Court 1662d: 40–4). The second reason for the general preference for monarchy had to do with the intrinsic merits of this form of government. In a monarchy, so the theory went, the ruler identifies with the welfare of his subjects. He is able to surround himself with the best advisers. Decisions are swiftly taken, seldom changed, and executed with vigour. Because the prince has great powers to reward and to punish, moreover, he will be eminently successful in rooting out violence and corruption (*ibid.*: 40–4). Unfortunately, however, De la Court observed at the end of this summary of monarchical political thought, those who hold these lofty views have forgotten one crucial fact: princes are human beings and will therefore generally follow their passions, lusts, and immediate self-interest rather than reason (*ibid.*: 47). That this was so and had disastrous consequences, he proceeded to demonstrate in great detail.

The first perspective from which De la Court treated the horrors of monarchy was that of court life.¹³ The trouble began with the upbringing of princes. Far from receiving the most perfect education imaginable, as the monarchical theorists maintained, successors to the throne in fact were brought up in the worst possible way. The reason was simple. Since the incumbent prince always feared that his successor would want to rule as soon as he was fit to do so, he would do his utmost to keep the child stupid and ignorant. The courtiers helped the prince in this design to gain his favour, but also so that they should later have the advantage of a weak ruler they could dominate. Young princes were therefore brought up with useless entertainments. The only thing they learned was to follow their lowest lusts, whereas their reason remained underdeveloped. Small wonder that, when

12. That monarchism indeed had ‘extraordinarily tough roots’ is rightly emphasised in Koenigsberger 1997.

13. It is perhaps worth pointing out that many of De la Court’s strictures on court life are strikingly similar to those found in contemporary English political discourse. Cf. Skinner 1998: 89–93 and the literature mentioned there.

they eventually came to the throne, they were already ‘more evil than other people’.¹⁴

Once on the throne, most princes simply wanted to continue following their basest passions. In order to be able to do so they needed unlimited wealth and therefore sucked the country dry (De la Court 1662d: 70–3). It was also essential, as will be seen below, that no threat to their position should be allowed to develop: provincial governors were distrusted and frequently replaced, big and populous cities were kept in check with castles and armies. Yet the prince himself was only to a very limited extent directly involved in this ruthless exploitation of his subjects. Since he rather followed his lusts than engaged in the hard task of governing, he gladly left most decisions to his courtiers (De la Court 1662d: 86–92; 1662b, Book v, pp. 150–6). Monarchies, it was clear to De la Court, were never administered by virtuous counsellors, magistrates, and public servants, but invariably by the ‘vicious courtiers’ who were in the direct environment of the prince and who constantly had his ear. Since these courtiers could only ingratiate themselves with the prince by constant flattery and by following him in the relentless pursuit of base pleasures, none of them escaped moral corruption. This is why, De la Court remarked, a monarchical court is justly described as ‘a great whore’ or ‘an immense brothel’ (De la Court 1662d: 110 and 132; 1662b, Book v, p. 150). Indeed, and this is the second great horror of monarchy, untruthfulness was the very essence of court life. To illustrate his point, De la Court told one of his many fables. A Frenchman and a Dutchman visit the Kingdom of the Apes. During the first two days of their visit they are lavishly entertained. On the third day they are brought before the king and asked what they think of his magnificent government. The Frenchman replies with great eloquence that he has never seen such beauty and style and is promptly offered a position on the king’s secret council. The blunt Dutchman, however, remarks ‘that he has seen nothing that even remotely resembles good government, but only luxury, gluttony, excessive drinking, fornication, hunting, dancing, and gaming; which confirms the saying: an ape is an ape, even if it wears golden clothing’. The Dutchman, of course, is immediately executed, with the Frenchman commenting on the justness of this punishment and all the apes saying ‘Amen’ (De la Court 1662d: 77–9). Apart from the inevitable corruption of young princes and the general and inherent perversity of the system of court life, a third and final drawback of monarchical rule, viewed from the perspective of the functioning of the court, was constituted by the fact that the problem of succession could never be fully solved,

14. De la Court 1662d: 56–69; 1662b, Book v, pp. 145–50 (the quotation is on p. 145).

with periodic bitter struggles and even open armed conflict as a result (*ibid.*: 113–17).

The exposure of the revolting nature of court life, however, was insufficient to bring out the full horrors of monarchical rule. There was no better way to reveal these, De la Court insisted, than by studying the degradations and deprivations the subjects of all monarchies necessarily underwent. The basic explanation of the gruesome fate of the monarchical subject was that it was in the interest of the court to be slavishly served by the rest of the population and not to be resisted or threatened in its power in any way (e.g. De la Court 1662b, Book v, p. 132). This meant, first of all, that all laws were formulated in the interest of the court, not of the subject. This in itself was bad, yet here one could still say *dura lex attamen scripta*. Far worse was the fact that the interpretation or explanation of these laws was also in the hands of the king and his court and therefore totally unpredictable and arbitrary. Should the king want someone's life or money, he could simply accuse him of treason, *crimen maiestatis*, or of being a heretic, and take whatever he wanted. For the subjects of a monarchy, there could be no legal certainties (De la Court 1662d: 124–30).

The one certainty monarchical subjects did have was that the king and his court would do everything in their capacity to make them powerless and to make the whole life of the nation depend on the wishes and whims of the court. There were various means by which the king and his court attempted to achieve this aim. First of all, the entire administration of the country was directed from the court itself, so as to prevent the emergence of independent centres of power. Secondly, cities were deliberately kept weak and defenceless. They were allowed neither to put up fortifications of their own nor to train their citizens in the use of arms. Having thus been made entirely powerless, the subjects were, in the third place, subjected to ever-increasing taxes, to the point where nobody in the end had anything left. Indeed, in a monarchy anyone who showed any sign of wealth, wisdom, learning or moral courage was feared by the court and consequently in danger of losing his life. Under an effective monarchy, therefore, these things rapidly disappeared (De la Court 1662d: 134–7). To increase their power over their subjects, finally, monarchs frequently engaged in offensive wars. For apart from giving them the opportunity to add to their own riches, such wars allowed them to raise taxes to levels previously unheard of and to use the army against the last remnants of urban power and independence (*ibid.*: 138–42).

Having thus outlined the main characteristics of monarchical rule, De la Court was left with three important questions. Why was it, in the first

place, that, given the unmitigated dreadfulness and barbarism of monarchical government, it almost invariably received higher praise than republican government? The answer was simple. In republics, where there was a greater freedom of speech, everyone wanted to rule and the sitting government was therefore constantly criticised. In monarchies, on the other hand, the only voices to be heard were those of paid court flatterers and – much the same thing – royal historiographers (De la Court 1662b, Book v, pp. 108–10). The second question was somewhat more complicated. Why was it, De la Court asked, that the monarchies of the countries surrounding the Dutch Republic were less harsh than his own general typology of monarchical rule would lead one to expect? The answer was historical. That monarchical rule in western Europe was relatively mild, that the subjects of these kingdoms still possessed some riches, commerce, learning, and virtue, was solely due to the fact that these hereditary and centralised monarchies were relatively recent creations, erected on the remnants of republican forms of government which they had so far not been able to eradicate completely. But that, De la Court warned, was only a matter of time (De la Court 1662d: 168–70 and 230–57).

The third, final and most burning question, of course, was: what did this analysis of monarchical government tell the inhabitants of the Dutch Republic? The answer was: everything. For De la Court made it abundantly clear that all he had said about the nature of monarchical rule also applied to so-called republics with an hereditary head who was the supreme military commander. Reinstall the Stadholder, such was his message to his compatriots, and you will in time be exposed to all the horrors of monarchy (*ibid.*: 275–398, especially 307–8). Should his fellow Hollanders, after all he had said, nonetheless decide to take this step, De la Court had one final piece of advice to offer. The appropriate symbolic accompaniment and expression of such a decision, he suggested, would be to replace the proud lion in the coat of arms of the province with a mule (*ibid.*: 298).

II. Eighteenth-century Anti-monarchism: De Beaufort

In 1737, three-quarters of a century after De la Court's *Political Balance* and *Political Discourses* had appeared, Lieven de Beaufort's *Treatise on Liberty in Civil Society* was posthumously published. The political developments in the intervening years had been dramatic. The first Stadholderless Era had ended in 1672 with the murder of that embodiment of republican statesmanship, Johan de Witt. Between that year and 1702 William III, the Stadholder-King,

accumulated more power than any of his predecessors in the Stadholderate had possessed. Indeed, a contemporary joke had it that his position was best described as Stadholder in England and king in Holland.¹⁵ At William's death, partly because there was no direct male heir, most provinces decided not to elect a new Stadholder. Thus started the Second Stadholderless Era, which would last until 1747. From the early 1730s on however it was already clear, among other things from his marriage to Anna of Hanover, that the Frisian Stadholder Willem Karel Hendrik Friso, later to become William IV, had serious political ambitions (Rowen 1988: 148–62; Schutte 1979).

It was in this political context that De Beaufort, about whose life unfortunately very little is known, wrote his bulky treatise. De Beaufort, a regent in the province of Zeeland, described the increasingly oligarchic Dutch Republic of his days as a perfect example of republican liberty and has for that reason repeatedly been called a smug and self-satisfied hypocrite in later historiography (Geyl 1948–59: II, 315; De Jongste 1977–83: IX, 49). This evaluation misses the mark completely however, for a close reading of the *Treatise on Liberty in Civil Society* reveals it to be a deeply pessimistic book about the fragility of republican liberty and the ever-increasing threat to it the European monarchies were posing.¹⁶ Although both rejected the Stadholderate, De Beaufort's intellectual world was sharply different from that of De la Court, to whose work he never even referred. Of the two, De Beaufort was clearly the more old-fashioned theorist. No Descartes or Hobbes for him. His work was totally dominated by the authors of classical antiquity, with Aristotle, Tacitus, Sallust, Plutarch, and Cicero in the most prominent roles. His view of political life was classical in the fullest sense of the word.¹⁷

De Beaufort's entire treatise revolved around the opposition between liberty and slavery.¹⁸ Liberty, he explained, consisted of two elements. First of all it meant the rule of law and the protection of the life, liberty and property of each individual inhabitant of a country ([De Beaufort] 1737: 30). Secondly, and more importantly, liberty meant the right to participate in

15. On the reign of William III see Israel 1995: 807–63; Rowen, 1988: 131–48.

16. For an attempt to approach De Beaufort as a serious political writer rather than as a mere propagandist for the regent oligarchy see Velema 1987.

17. This may help explain why he singled out the equally classically oriented republican theorist Radboud Herman Scheels, author of *Libertas publica* (1666), as his only worthy predecessor in the Dutch Republic: [De Beaufort] 1737: 3.

18. This opposition has recently been identified as the core of early modern 'neo-roman' theory in Skinner 1998.

government. Where what De Beaufort calls ‘full liberty’ reigns, ‘there Civil Society, the body of the People, participates in Government; indeed the Government, and the Sovereignty of the Land, consists of the body of the People, or those who represent it’ (*ibid.*: 52). This full republican liberty was and had always been quite rare, but was clearly present in the early eighteenth-century Dutch Republic. For it was evident that in the Dutch Republic ‘the Sovereignty of the State consists of the body of the People, and that the Citizenry has no reason to complain that it is being excluded from the Government or that its voice is not heard in affairs of State’ (*ibid.*: 129–30). The survival of this precious Dutch republican liberty, De Beaufort insisted, entirely depended on the willingness of both citizens and regents to sacrifice their own direct interest and to completely devote themselves to the common good. His conception of virtue, in other words, was classically republican in a way De la Court’s had not been.¹⁹

De Beaufort was quite explicit about the fact that the political virtue he deemed necessary for the attainment and survival of republican liberty was a demanding and difficult ideal. Indeed, he was convinced that most peoples and many individuals were altogether unfit for it. A truly free republic had to be inhabited by citizens and regents whose elevated mind would allow them to disregard material gain and direct self-interest, whose reason would enable them to discern the value of liberty, and whose virtue would always make them act ‘for the good of the Fatherland and the welfare of the people ([De Beaufort] 1737: 207–10). Although De Beaufort’s *Treatise* at times seems preoccupied with the proper behaviour of regents, its central message was certainly not directed at regents only. On the contrary. *All* members of a republican political community, both regents and citizens, had to display political virtue. More importantly, in good Aristotelian or classical republican fashion De Beaufort emphasised the constant reversal of roles between regents and citizens, the alternation of ruling and being ruled. In order for such a system to work the maintenance of a high degree of what he called ‘civic equality’ was an absolute necessity (e.g. *ibid.*: 200, 338–9, 348–9).

The decline of republican liberty, De Beaufort was convinced, invariably commenced with the joint disappearance of civic equality and political virtue. Following classical authors, he identified ambition and luxury as the two main causes of this process. Ambition, the burning desire to elevate oneself in the political world, he observed, ‘destroys equality, ignores the laws, and raises

19. Despite a quarter-century of discussion, criticism and revisionism, the most convincing and powerful account of early modern classical republicanism remains Pocock 1975.

itself above fellow-citizens, above the laws, and above the Fatherland. This results in disorder, dispute, discord, public violence and eventually in the loss of liberty' (*ibid.*: 348–82; the quotation is on p. 349). Almost equally harmful was luxury. It made people proud and haughty and therefore unwilling to live in a world of civic equality. At the same time it replaced virtue with a voluptuous cowardice and thus paved the way for the introduction of political slavery (*ibid.*: 304–48).

The worst form of political slavery, the very opposite of republican liberty, was absolute monarchy. Contrary to De la Court, De Beaufort distinguished between various types of monarchy, absolute and limited monarchy being the most important ones. It was to absolute monarchy that he devoted most of his attention, on the one hand because he thought that this was the form to which most monarchies in the end tended, on the other hand because it had become such a powerful phenomenon in recent European history. Indeed, he was convinced that 'the love of liberty that has always been so characteristic of the peoples of Europe has become so weak that it has almost disappeared' (*ibid.*: 76). To counter this trend, it was of the utmost importance to demonstrate that, whatever paid royal propagandists might endlessly repeat, absolute monarchy was the worst possible form of government.²⁰ It was, briefly put, contrary to the natural state of man, to reason, to the goal of good government, and to sound politics.

In the state of nature, De Beaufort remarked – appealing to Roman law – all men were equal and equally free. Now this obviously changed with the transition to civil society, yet even there it remained true that slavery, the total subjection to the will of another person, was incompatible with human nature and the rights of man. Absolute monarchy, the form of government which in effect reduced men to slaves, could therefore only be founded on violence and was illegitimate. It was also plainly contrary to reason and to the goal of good government (*ibid.*: 15–21). That goal, the age-old *salus populi suprema lex*, was incompatible with all power being vested in the unlimited will of one person. Here De Beaufort sounded somewhat like De la Court. 'The will of one person', he remarked, 'always follows his own interests, prejudices, and pleasure and is usually the most unreasonable, the nastiest, and the most variable thing in the world, subject to all sorts of wicked passions and desires' (*ibid.*: 79–80). It was therefore highly unlikely that any reasonable people had ever entrusted its welfare

20. On the dangerous and misleading arguments of 'courtly politicians': [De Beaufort] 1737:

243–55.

to such an unlimited individual will or would do so in the future. But perhaps the most telling argument against absolute monarchy was the fact that it brought, as De la Court had also pointed out, nothing but misery and suffering to the subjects of the monarch. It was simply an evil political system. Not only was it completely incompatible with the rule of law, that first and most fundamental element of liberty, but it was also inherently aggressive. Taking Louis XIV as his most important example, De Beaufort at this point launched into a long litany about the perfidious and ultimately self-destructive behaviour of Europe's modern absolute monarchs, who laid waste a whole continent to satisfy their own ambitions with wars of conquest. Under their reign of terror, he was convinced, Europe had already lost a considerable part of its population. Should their capacity for destruction increase even further, which the rise and continuous expansion of standing armies made highly likely, the future of Europe looked bleak indeed (*ibid.*: 96–103).

That same conclusion was to be drawn from an analysis of limited monarchy. At first sight, De Beaufort remarked, this was quite an acceptable form of government. The king was bound to fundamental and other laws and the subjects, although they evidently did not enjoy the full liberty of participating in government, were generally secure in their life and property. Yet the system had one fatal flaw: the balance between the sovereignty of the crown and the rights and liberties of the people was very hard to keep. In the end, it had to go one way or the other. In modern Europe, where monarchs had considerable standing armies at their disposal, it was evident where matters would end (*ibid.*: 103–15).

De Beaufort had now assembled all the elements necessary to describe and understand the process whereby a free republic degenerated into an absolute monarchy. It started with the loss of equality and virtue through ambition and luxury. This weakening of political vigilance permitted the rise of one person to a position of great power. Should that power include military command, there was very little that could be done to prevent the eventual transition to absolute monarchy and political slavery. The implied lesson for his contemporaries, of course, was quite simple and straightforward. Although it was reached from a different perspective, it was the same as De la Court's had been. To remain the 'bulwark of European liberty', the Dutch Republic had to prevent the reinstalment of the semi-monarchical Stadholderate at all cost (*ibid.*: 139–41 (the quotation is on p. 140), 348–82 and 439–40).

III. Anti-monarchism and Patriot Republicanism

Different as the basis of their anti-monarchical theories ultimately was, De la Court and De Beaufort were both convinced that the republican political structure of the Seven United Provinces was fundamentally different from, and indeed far superior to, that of the surrounding monarchies. De Beaufort held it to be near perfect as it was, whereas De la Court warned against the closing of the regent élite and pleaded for expanded political participation of well to do citizens. For both, however, the greatest threat to the liberty of the country was posed by the Stadholderate, which was viewed as the first step in the direction of monarchy. It was this perspective which gave their anti-monarchism such urgency.

It was only in the final decades of the eighteenth century that both these forms of anti-monarchism came to lose much of their relevance. During the 1780s, the Dutch Republic saw the rise of the so-called Patriot political movement. This, obviously, is not the place to discuss in any detail Patriot political thought, which derived from a great variety of sources.²¹ When the movement started in the late 1770s, its spokesmen voiced many complaints against Stadholder William V that came directly from what over more than a century, with the work of De la Court and De Beaufort in a central position, had become the standard repertoire of Dutch anti-monarchism. The Patriots viewed William V's court as the centre of decadence, luxury, and sexual licence, regarded his powers of appointment as giving him a huge and corrupting political influence, and insisted that his command of the army made it impossible to resist him.²² Indeed, they held him to be a king in all but name (e.g. *Grondwettige Herstelling* 1784-6: 1, 147-8). Under such a government, the early Patriots insisted, what was still left of republican liberty would not survive long. Unless drastic action was taken against the Stadholder, republican citizens would soon be transformed into 'white negroes and chained slaves' (*De Prince Vlag* n.d.: 56).

Yet as the Patriot movement developed and its thought radicalised, the awareness grew that demands for political reform were resisted by the regents as much as by the Stadholder. This in turn led the most radical Patriots to re-think Dutch republican theory. The conclusions were startling. Having redefined liberty as the active and permanent sovereignty of the people, the Patriots became convinced that the whole history of the Dutch Republic

21. The best recent general discussion of the Patriot movement is Klein 1995.

22. These anti-monarchical themes completely dominate what is generally regarded as the most important and influential formulation of early Patriot political thought, Joan Derk van der Capellen tot den Pol's *To the People of the Netherlands*. See Zwitzer (ed.) 1987.

had been one of oppression. Whether that oppression had been suffered at the hands of a Stadholder or of a small group of regents, they now maintained, was only of marginal importance and interest.²³ Indeed, in 1783 Pieter Vreede, later to become one of the leading radicals in the Batavian Republic, pointed out that since the sixteenth-century Revolt Dutchmen had been no more free than the inhabitants of monarchies such as France or Spain. They had, he insisted to the consternation of more traditional republicans, been no more than slaves ever since the formation of their independent state – with or without a Stadholder ([Vreede] 1783). With that conclusion, which would be widely adopted by Patriot and later Batavian Dutchmen in the two decades to come, the old anti-monarchical theories, largely intended for domestic political use, had lost their function. To the adherents of the new ‘philosophical republicanism’ of the late eighteenth century, all forms of government other than a representative democracy were equally despicable.

23. For a more detailed discussion of the development of the Patriot definition of republican liberty see Velema 1998.

Anti-monarchism in English Republicanism

MARTIN DZELZAINIS

In the Review and Conclusion to *Leviathan*, Thomas Hobbes sets out the terms on which individuals can submit to the new republican régime in England – an undertaking prompted, he says, by the failure of ‘divers English Books lately printed’ to explain properly the relationship between conquest and consent. Having remedied this failure, he then turns, somewhat abruptly and surprisingly, to remedy a lapse of his own. In Chapter 35 of *Leviathan* he had argued that when the scriptures spoke of the kingdom of God this was not to be interpreted metaphorically but taken literally, as signifying a commonwealth ‘wherein God was King, and the High Priest was to be (after the death of Moses) his sole Viceroy, or Lieutenant’ (Hobbes 1996: 282, 484; see Pocock 1971b: 170–4). Hobbes now finds this account of the Jewish commonwealth incomplete in that he ‘omitted to set down who were the officers appointed to doe Execution; especially in Capitall Punishments’. What concerns him in particular is that the judicial practice whereby ‘he that was convicted of a capitall Crime, should be stoned to death by the People; and that the Witnesses should cast the first stone’ had not been ‘thoroughly understood’. More alarmingly still, Hobbes says, this in turn ‘hath given occasion to a dangerous opinion, that any man may kill another, in some cases, by a Right of Zeal; as if the Executions done upon offenders in the Kingdome of God in old time, proceeded not from the Sovereign Command, but from the Authority of Private Zeal’ (Hobbes 1996: 487).

Given that Hobbes’s political theory is in large measure designed to prevent any derogation whatsoever from the sovereign’s power, he could not allow this ‘dangerous opinion’ to go unchallenged. By way of countering the threat, Hobbes scrutinises the relevant scriptural texts with the aim of showing that this supposed *ius zelotarum* is merely an illusion. For example,

Numbers 25 tells of a time when ‘the people began to commit whoredom with the daughter of Moab’ thereby provoking the wrath of God. The plague is only averted when Phineas slays one such idolatrous couple who display themselves before Moses and ‘all the congregation of the children of Israel’. Gratified by this piece of summary justice, the Lord then instructs Moses to ‘give unto [Phineas] my covenant of peace’ (Numbers 25:1–10). But, Hobbes insists,

When Phinehas killed Zimri and Cosbi, it was not by right of Private Zeale: Their Crime was committed in the sight of the Assembly; there needed no Witnesse; the Law was known, and he the heir apparent to the Sovereignty; and which is the Principall point, the Lawfulnessse of his Act depended wholly upon a subsequent Ratification by Moses, whereof he had no cause to doubt. (Hobbes 1996: 488)

Other texts are despatched similarly, leaving Hobbes free to conclude that there ‘is nothing in all this, nor in any other part of the Bible, to countenance Executions by Private Zeale; which being oftentimes but a conjunction of Ignorance and Passion, is against both the Justice and Peace of a Commonwealth’ (*ibid.*).

Unlike Hobbes’s much-discussed intervention in the Engagement debate,¹ this passage has received barely any comment, despite the fact that it sits rather uncomfortably at the centre of the Review and Conclusion. Hobbes himself speaks only in cryptic (and, as we shall see, somewhat disingenuous) terms of his original omission being the result of ‘not then thinking it a matter of so necessary consideration, as I find it since’. Given that Hobbes had completed the first thirty-seven chapters of *Leviathan* by May 1650 (see Hobbes 1996: x), Chapter 35 must have been written within sixteenth months of what he would have regarded as the most spectacular modern instance of summary justice, and a signal ‘conjunction of Ignorance and Passion’: the execution of Charles I. But if the regicide had not led Hobbes to discuss the *ius zelotarum* in Chapter 35, what had occurred in the interim to make the topic ‘a matter of so necessary consideration’ when he came to compose the Review and Conclusion in April 1651?

The immediate answer is that Hobbes’s hand was forced – at a very late stage – by the putting into circulation of his earlier and very different

1. See, for example, Skinner 1974a. More recently, however, it has been argued that Hobbes is ‘essentially’ not ‘a defender of *de facto* power’ (Skinner 1990b: 146), and that, apart from the ‘rather ephemeral’ Review and Conclusion, ‘*Leviathan* related only minimally to the ideological context of the early 1650s’ (Burgess 1990: 676, 692).

thoughts on the *ius zelotarum*. On 12 March 1651, George Thomason obtained a copy of the recently published *Philosophical Rudiments Concerning Government and Society*; that is, the unauthorised English translation of Hobbes's *De cive*, the Latin statement of his political philosophy which had first appeared in print in 1642, followed by a second, more widely available edition in 1647 (on the date and status of the translation, see Hobbes 1983a: 15, and Tuck 1985). Chapter 16 of *De cive* deals with the kingdom of God according to the old covenant, and Section 15 in particular with the period of the Judges, when

The supreme civill power was therefore *Rightly* due by Gods own institution to the High-Priest; but actually that power was in the Prophets, to whom (being rayed by God in an extraordinary manner) the *Israelites* (a people greedy of the Prophets) submitted themselves to be protected, and judged, by reason of the great esteem they had of Prophecies. The Reason of this thing, was, because that though penalties were set, and Judges appointed in the institution of Gods priestly Kingdome, yet, the right of inflicting punishment, depended wholly on private judgement; and it belonged to a dissolute multitude, and each single Person, to punish or not punish according as their private zeale should stirre them up. And therefore *Moses* by his own command punisht no man with death; but when any man was to be put to death, one or many stirred up the multitude against him or them, by divine authority, and saying, *Thus saith the Lord*.²

This is a reasonably accurate rendering of the original Latin (virtually identical in the two editions), despite the fact that the translator is alleged to have 'worked in an extremely slapdash manner', resulting in 'many mistranslations or misunderstandings of Hobbes's text'.³ What it shows is that Hobbes was

2. Hobbes 1983b: 211. For the Latin, see Hobbes 1983a: 245: 'Facto autem potestas illa in Prophetis erat, quibus (à Deo extraordinarie suscitatis) Israelitiarum (gens Prophetarum auida) propter existimationem Prophetiarum protegendos se, & iudicandos subiecerunt. Ratio cuius rei erat, quod institutione Regni Dei Sacerdotalis, etsi poenastatutae fuerint & Magistratus qui iudicarent; ius tamen poenas sumendi dependebat ab arbitrio priuato. Et penes dissolutam multitudinem & singulos erat, punire vel non punire prout à priuato zelo excitarentur. Ideoque Moses, imperio proprio morte multauit neminem; sed quando interficiendus aliquis esset, vnus vel plures, in eum vel eos, (authoritate diuina, dicendoque, *Hoc dicit Dominus*) multitudinem concitauit.'

3. Hobbes 1998: xxxvi. The new translation is as follows (p. 198): 'In fact that power was in the hands of the Prophets (who were raised up by God outside the ordinary course of things); and the Israelites (a people avid of Prophets) submitted to them for protection and arbitration, because they had a high regard for Prophecy. And the reason for this was that by the institution of the Priestly Kingdom of God, although there were penalties laid down and Magistrates to give judgment, still the right to inflict punishment depended on private initiative. And it was up to the disunited multitude of the people and to individuals either to punish or not as they were prompted by private inclination. This was why Moses did not condemn anyone to death on his

altogether untroubled by the notion of ‘private zeale’ in November 1641, when the manuscript of *De cive* was completed (see Hobbes 1983a: 76), and remained so until at least January 1647, when the second edition was published.⁴ Or, to put it another way, throughout this period Hobbes remained fundamentally in agreement with the account of the *ius zelotarum* offered by Hugo Grotius in his *De iure belli ac pacis* (1625). According to Grotius, it was a peculiarly Jewish relic of a right to punish that had originally belonged to each and every individual in the state of nature:

There remain some Footsteps of the antient Right in those Places, and amongst those Persons, who are not subject to any established Courts of Judicature; and even among those who are so subject, in some particular Cases. Thus by the Law of *Moses*, any private Man might upon the Spot, and with his own Hands, kill a *Jew* who had forsaken GOD and his Law, or who attempted to seduce his Brother to Idolatry. The *Hebrews* call this the *Judgment of Zeal*, which was first put in Execution by *Phineas*, and afterwards passed into a Custom.⁵

By the spring of 1651, however, this had become a ‘dangerous opinion’ which Hobbes was anxious to refute – all the more so because the *Philosophicall Rudiments* made it known to an English readership that it was an opinion he himself had once held, and, to all appearances, still did.⁶

own authority; but when anyone was to be put to death (whether it was one man or several men), he relied upon divine authority to rouse the crowd against him or them, saying, *Thus saith the Lord.*⁷

4. It should be noted, however, that Hobbes allowed the passage to stand unchanged when *De cive* was later published as part of his *Opera philosophica* (see Hobbes 1668: sigs. TTT2^v-3^r/132-3 (third pagination)), while he deleted the Review and Conclusion from the accompanying Latin translation of *Leviathan*. Perhaps the conclusion to be drawn is that Hobbes was *au fond* a confirmed Grotian on the *ius zelotarum*, but wavered between 1649 and 1651.
5. Grotius 1738: 414. For the original Latin, see Grotius 1625: 409: ‘manent vestigia ac reliquiae prisca iuris in iis locis atque inter eas personas quæcertis iudiciis non subsunt: ac præterea in quibusdam casibus exceptis. Sic Hebræorum moribus Hebræus à Deo & Dei lege deficiens aut ducem se ad falsos cultus præbens illico à quouis homine poterat interfici. Iudicium Zeli id vocant Hebræi quod à Phinea primo exercitum aiunt, & inde abiisse in morem.’
6. The fact that Hobbes placed himself in the Grotian camp on this issue makes Anthony Ascham’s attack on him in *Of the Confusions and Revolutions of Governments* (November 1649) all the more puzzling. Arguing that ‘such a total resignation of all right and reason, as Mr. *Hobbes* supposes, is one of our morall impossibilities’, Ascham points out that it is ‘directly opposite to that antient *Ius zelotarum* among the *Jewes*’, and goes on to cite Grotius *against* Hobbes (Ascham 1649: 121). Skinner suggests that by this time Ascham had read *De cive* (see Skinner 1974a: 94), which, in theory, was available to him in the Latin editions of 1642 and 1647, and in the French translation which Sorbière had completed by July 1649 (see Hobbes 1649: sig. **1^v). If so, then Ascham overlooked the significance of ch. 16.15. The alternative is that Ascham had access to a manuscript of Hobbes’s *Elements of Law, Natural and Politic* (see Tuck 1979: 123), which does not discuss the *ius zelotarum*.

We should note, however, that there is evidence of mounting concern on Hobbes's part even *before* the unexpected appearance of *Philosophicall Rudiments*. In particular, the version of the passage in *Elemens philosophiques du citoyen* (1649), the authoritative French translation of *De cive* by his friend, Samuel Sorbière, deliberately obfuscates matters at the crucial point (Hobbes 1649: 339–40; my emphasis):

La raison de celle estoit, que par l'establisement du regne Sacerdotal de Dieu, bien que des peines fussent ordonnées, & qu'il y eust des Magistrats establis pour rendre iustice; toutesfois le droit de punir dependoit de la volonté des particuliers; Et il estoit en la puissance d'une multitude déjointe de faire, ou de ne pas faire supplice, suivant que les personnes privées se trouvoient poussées de zele, *ou animées de quelque passion*. C'est pourquoy nous ne voyons point que Moysé ait jamais fait mourir personne de sa propre autorité: mais quand il y en avoit quelques-uns dont il se vouloit defaire, il excitoit contr'eux la multitude, employant l'autorité divine, & disant que Dieu le commandoit ainsi.

Sorbière literally dismantles the concept of *zelus privatus*; first, by transferring the epithet 'private' from 'zeal' to 'persons' (now 'private persons', in conventional apposition to 'magistrates'); and then by adding the italicised phrase, 'or animated by some passion', which implies that zeal is just one of several possible impulses to action. Hobbes's own silence on the *ius zelotarum* in the body of *Leviathan* is no less eloquent. Not only does he not discuss it in Chapter 35, but he also fails to do so in Chapter 40 – the one that actually corresponds to Chapter 16 of *De cive*. But the strategy of obfuscation and omission came unstuck once *Philosophicall Rudiments* was in the public domain; for what this made necessary was an open and unequivocal repudiation of the Grotian doctrine.⁷

However much Hobbes may have wished to bury the topic in silence, therefore, he was finally unable to do so. The improvisations forced upon Hobbes – usually the most systematic of thinkers – are nevertheless deeply instructive. For what these manoeuvrings testify to is the crucial role of the notion of private zeal in the anti-monarchism of these years. As we shall see, much of the debate over the regicide, both at the time and subsequently, was conducted in terms of what the *ius zelotarum* did or did not

7. The additional comments on chs. 35 (private zeal) and 36 (the word of God) in the Review and Conclusion (Hobbes 1996: 487–9) appear to be a last-minute insertion: without them, the text reads continuously.

entail. Even years later, when reviewing the events of the Civil War and Interregnum in *Behemoth*, Hobbes was still convinced that ‘the interpretation of a verse in the Hebrew, Greek, or Latin Bible, is oftentimes the cause of civil war and the deposing and assassinating of God’s anointed’ (Hobbes 1990: 144). Furthermore, if this account of how the controversy surrounding the regicide thrust its way into the Review and Conclusion is correct, then it would also help to explain why Hobbes is so insistent upon the complexity of the ideological landscape which he has to traverse. Thus he fears for the reception of *Leviathan* at a time when ‘much of that Doctrine, which serveth to the establishing of a new Government, must needs be contrary to that which conduced to the dissolution of the old’. And in the concluding paragraph of the work he again laments the inauspicious moment of *Leviathan*’s publication in April 1651. Ironically invoking a superstition of exactly the kind which the work was meant to dispel, he remarks that ‘there can be no very good Constellation for Truths of this nature to be born under, (as having an angry aspect from the dissolvers of an old Government, and seeing but the backs of them that erect a new;)’ (Hobbes 1996: 489, 491).⁸ Hobbes’s astrological metaphor, implying that *Leviathan* came into the world under the sign of Gemini (which is literally true), applies also to the infancy of the English republic. This was a period when, so Hobbes thinks, politics faced two ways simultaneously.

But if Hobbes was the first to conceive of regicide and republicanism as twinned but opposite phenomena, he was certainly not the last, since his metaphor continues to exercise a powerful influence on modern historiography. For many historians it is still the case that to see the ‘angry aspect’ of the regicides means only being able to see the back of the republicans, while to inspect the republicans’ gaze is necessarily to occlude their view of the regicides. Furthermore, many accounts of the transition from monarchy to Commonwealth depend heavily on Hobbesian antitheses between reason and passion and between religious zeal and scepticism. John Morrill’s recent summary is typical: ‘the English revolution saw a violent act carried out by a fairly isolated band of well-placed soldiers and civilians, mainly driven by religious fanaticism (the regicides) which gave rise to a political programme supported by a wider and more pragmatic group (the republicans)’ (Morrill 1993: 23). There is of course a deeply conservative message embedded in this and similar accounts: how reassuring to find that this violent project was after all exclusively the work of religious fanatics; how fortunate that normal

8. For Hobbes’s familiarity with, but disparagement of, astrology, see Hobbes 1976: 295, 435–42.

political life resumed so swiftly once more sober counsels gained the upper hand; what relief, in short, to be able to draw a veil over this embarrassing moment in English history when a sudden upsurge of religious mania (thankfully confined to an isolated and unrepresentative band of fanatics) resulted in the violent termination of the monarchy. But however comforting this version of events may be, it appears to dismiss too readily the possibility that the actions of the regicides could be – and actually were – defended on rational grounds. There is scope, therefore, it seems to me, to re-examine the supposedly ill-fated conjunction between religion, regicide and republicanism.

It is true nevertheless that those who espouse Morrill's view of the regicide are able to marshal an imposing array of evidence. They can point first of all to the prevalence of the associated concepts of blood-guilt and retribution. The idea that the shedding of blood was a moral offence which someone had a duty to punish was underpinned by a series of scriptural texts such as Numbers 35:33: 'for blood it defileth the land: and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it'. Secondly, they can show that from the mid-1640s onwards Charles I was increasingly spoken of in these terms, and that the effect of this discussion ('operating', as Patricia Crawford puts it, 'on another level from rational argument') was to desacralise his person (Crawford 1977: 42). The fatal step in the process by which Charles finally 'delegitimized himself and his office' was his decision to go to war a second time (Morrill 1993: 21). In late April 1648, as the military situation in Scotland and Wales worsened, the leaders of the New Model Army held a three-day prayer meeting at Windsor Castle, the outcome of which was a resolve 'to call Charles Stuart, that man of blood, to an account for the blood that he had shed, and the mischief he had done . . . against the Lord's cause and people in these poor nations' (Gentles 1992: 246). For several historians, the road leads straight from the 'scripture-laden hysteria' of the Windsor meeting to the scaffold outside the Banqueting House at Whitehall. According to David Underdown, the 'Army was now out of hand; Cromwell and Ireton could no longer control it even if they wished' (Underdown 1971: 96). For Ian Gentles, the meeting represents an 'emotional catharsis' which issued in 'consensus'. Now 'propelled' by the conviction that Charles was a man of blood, the Army simply 'rode roughshod over the will of the people, to bring the King to his public trial and execution' (Gentles 1991: 90, 99). And David Smith agrees that nothing 'could cut through' ingrained mental habits of obedience and deference but 'another, deeper, religious imperative – the need to expiate the king's "blood-guilt"'. When the Army adopted this doctrine, he adds, they 'unleashed savage, elemental forces' (Smith 1991: 44).

To talk of ‘hysteria’ and ‘catharsis’, or of the Army’s getting ‘out of hand’, or being ‘propelled’ by ‘imperatives’, is to suggest an outbreak of collective psychosis. But there are also examples of individual agents – either actors in or apologists for the regicide – apparently in the grip of similar irrational forces.

It was only in the *Remonstrance*, drafted by Henry Ireton before being approved by the General Council on 16 November 1648 and presented to the Commons four days later, that the call for ‘Capital punishment upon the principall Author . . . of our late warres, and thereby the blood thereof expiated’ officially became part of the Army’s demands ([Ireton] 1648: 64; see Underdown 1971: 116–26). The *Remonstrance* itself was a lengthy, austere document and an abridged version, possibly the work of the Army chaplain Hugh Peter, was issued late in December.⁹ Peter’s other contribution was to equip the text with appropriate ‘Marginall Attestations . . . for the better understanding, remembrance, and judgment of the people’. Accordingly, when Peter comes to the demand for ‘publike justice’ and for blood to be ‘avenged’, he cites Numbers 35, Deuteronomy 19 and 2 Samuel 21 in the margin. And he illustrates his dissent from the claim that the king is ‘not accountable to or punishable [by] any power on earth’ by depicting Joshua, Gideon, Ehud, Jehoiada and Jehu as ‘Gods Instruments’ executing ‘solemne punishment on wicked kings’ ([Peter] 1648: 3, 6–7, 8/sig. B1^v).

John Milton had a long-standing interest in material of this kind. In the late 1630s or early 1640s, he drew up a series of outlines for biblical tragedies. These included a ‘Moabitides or Phineas’ in which, he thought, ‘it may be argud about reformation & punishment illegal & as it were by tumult[;] after all arguments drivn home then the word of the lord may be brought acquitting & approving phineas’ (Milton 1982: 560). In *The Tenure of Kings and Magistrates* (February 1649), he discusses Ehud and Jehu (though not Phineas). And while Milton does not cite any of the standard scriptural texts on the punishment of murder, he clearly has them in mind. He cannot see why the king

should think to scape unquestionable, as a thing divine, in respect of whom so many thousand Christians destroy’d should lie unaccounted for, polluting with their slaughterd carcasses all the Land over, and crying for vengeance against the living that should have righted them.

(Milton 1991b: 18)

9. I am grateful to Austin Woolrych for the suggestion that Peter was responsible for the *Abridgment*.

John Price in *Clerico-Classicum, Or, The Clergi-allarum to a Third War* (also February 1649) invokes the whole panoply of scriptural proofs. He is adamant that

these *impulses of spirit, and impressions upon the hearts* of the Army, to put the Parliament into a condition and capacity of executing judgement and justice upon that great Delinquent of the Land, and which did inspire the highest Court of Justice with courage and faithfulness therein, was the same spirit whose finger hath written that *morall precept in the hearts of men, and that sacred rule of Gods written word*, Numb. 35. 16 [the murderer shall surely be put to death].

(Price 1649: 48)

The Independent divine, John Goodwin, who had read both Milton's *Tenure* and Price's *Clerico-Classicum*, covers the same ground in his *Υβριστοδικαι: The Obstructours of Justice* (May 1649). He rehearses the same material from Genesis, Deuteronomy and Numbers, and, as we shall see, subjects the case of Phineas to exhaustive scrutiny. Henry Parker, in *Scotlands Holy War* (January 1651), maintains, in the face of Scottish Presbyterian objections, that the 'change of Government in *England*, which could not be without the execution of the late King', had been 'urged upon us . . . by two unanswerable, irresistable arguments'. The first of these was simply 'that God had commanded us, to punish blood with blood in all persons whatsoever' (Parker 1651: 19). The last word can be left to Oliver Cromwell himself. In January 1650, he wrote to Philip Lord Wharton, trying to assuage his doubts about the legitimacy of the actions leading to Charles's execution. 'Perhaps', Cromwell suggests, 'no other way was left. What if God accepted the zeal, as He did that of Phineas, whose reason might have called for a jury?' (Cromwell 1937-47: II, 189-90).

We can perhaps begin to understand Hobbes's alarm. Looked at in this light, the regicide does appear to be the bloody act of religious fundamentalists. If this is so, then it would tend to support the thesis, proposed by John Morrill in 1984, to the effect that the 'English civil war was not the first European revolution; it was the last of the Wars of Religion'. Morrill has, however, since retreated to a less bold but more sustainable position. He still wishes to assert the 'centrality of religion in destabilizing Britain' but this is now partly because it helps to explain how Parliamentarians overcame their reluctance to invoke resistance theory in the early 1640s. In the end, Morrill argues, 'it was religious arguments which proved to be the solvents of resistance to resistance theory' (Morrill 1993: 43, 68). It is this modified

theory which I now wish to challenge, at least in relation to apologists for the regicide, and, in particular, to clarify the role of Calvinist resistance theory in the events of 1649. My claim is not that these religious arguments are unimportant but that they have been misconstrued, and that, construed properly, they actually show just how far the supporters of regicide had freed themselves from the sixteenth-century mentality to which Morrill would confine them.

The first point to be made is that a treatment of these scriptural materials was a routine feature of political discourse. Any early modern discussion of the topic of resistance would be expected to examine them at length (George Buchanan's *De iure regni apud Scotos* is an exception that proves the rule). Nor do they function, as it were, as some kind of radioactive isotope which can be used to detect malignancy; it is simply not the case that the use of certain scriptural examples is a sure sign of a more radical, and others of a less radical, orientation. Rather their precise signification is almost invariably dependent upon the larger theory that involves their use.

This can be illustrated by the differences between two of the leading exponents of the Calvinist theory of resistance: Theodore Beza and the author of *Vindiciae, contra tyrannos*. Both are agreed that resistance to a tyrannical ruler is exclusively the province of the inferior magistrate to the exclusion of private persons. Both agree moreover that there is one exception to this which arises from the fact that it is possible to follow the example of Bartolus of Sassoferrato in distinguishing between two types of tyrant; the tyrant by practice and the usurper, or tyrant without title. The tyrant by practice, who, as Beza puts it, 'may abuse his position and still retain his authority over private subjects', can be resisted only by the inferior magistrate, whereas the tyrant without title can be resisted even by the private citizen acting in defence of 'the legitimate institutions of his country' (Franklin (ed. and trans.) 1969: 107, 109).

Despite this substantial measure of agreement, however, Beza and the author of the *Vindiciae* still contrive to produce markedly divergent accounts of the violence offered to the oppressors of Israel. When considering 'the liberations mentioned in the Book of Judges', Beza treats the oppressors as tyrants without title, from which it follows that the Israelite judges would have acted lawfully in resisting the 'tyranny of strangers' irrespective of whether or not they possessed 'an extraordinary divine inspiration for their acts'. Beza could thus argue that the fact that the judges were inspired should not be taken to imply that 'the magistrates of the Israelites and private persons also' did not have an 'ordinary' right to resist tyrants – an argument of

obvious local relevance in Germany and Switzerland where city states were constantly vulnerable to external threats (Franklin (ed. and trans.) 1969: 106). By contrast, the author of the *Vindiciae*, concerned above all with the internal situation in France, views the oppressors of Israel as having originally been tyrants without title who had acquired a degree of legitimacy and then, through the abuse of their power, become tyrants by practice. As an example, he offers the case of the Moabite Eglon who, after eighteen years' rule, had established a title by prescription. But since Eglon had been slain by Ehud, it now seemed as if scripture offered a precedent for the individual resistance of even tyrants by practice. In effect, this was to license assassination, and the author of the *Vindiciae* promptly set about neutralising the implications of his own argument. Considered in themselves, he says, Moses, Ehud and Jehu may appear to be private persons. However, since we know that they received an extraordinary calling from God, 'not only do we not consider them private individuals, but we deem them to be more powerful than any ordinary magistrate'. But this only shifted the problem sideways since it was obviously open to individuals to claim that they did have just such a calling from God and could therefore follow these scriptural precedents. This forces the author to issue a series of stern warnings. While it cannot be denied that 'the very same God who has visited Pharaohs and Ahab upon us in this our age, may not also raise up a few extraordinary liberators from time to time', this is a matter about which 'we should be especially sober and circumspect'. 'For if anyone lays claim to that authority for himself, as though he were inspired by the divine spirit, he should certainly make sure that he is not puffed up with pride, that he is not God to himself, that he does not derive that great spirit for himself from within himself' (Garnett (ed. and trans.) 1994: 62–3).

This brings us to the situation in the winter of 1648 to 1649, though not quite in the manner anticipated by revisionist historians like John Morrill and Conrad Russell. They appear to assume that the opponents of monarchy were initially reluctant to adopt the Calvinist theory of resistance, but that once they did so no further ideological weapons were required for the purposes of bringing about the death of the king. But this is not the case. In actual fact, it was the *opponents* of the Army's purge of Parliament and the trial that followed who had most to gain from the Calvinist theory.¹⁰ After all, who had

10. Conrad Russell is, like Morrill, exercised by the (alleged) absence of resistance theory in the early 1640s. His argument is that if 'these men were closet resistance theorists, the trial of the King in 1649 should have given them a belated opportunity to come out', and the fact that they did not take the opportunity retrospectively proves that they cannot have been resistance theorists at the start of the decade (Russell 1990: 136). Quite apart from the dubious logic of this argument, Russell misunderstands the ideological situation in 1649.

a better claim to Calvinist ideology than the recently excluded Presbyterians and their supporters? Conversely, whenever we find apologists like Milton, Price and Goodwin citing the classic texts of Calvinism, as they repeatedly do, this is largely because they are seeking to embarrass their adversaries with their own weapons.

In the days before the trial began, the London Presbyterian clergy actively sought to halt the proceedings. Some of them met with the officers at Fairfax's lodgings on 11 January (Fairfax's wife and mother-in-law were known Presbyterian sympathisers and were themselves the target of appeals). And on 18 January forty-seven of the Presbyterian ministers issued *A Serious and Faithfull Representation of the Judgements of Ministers of the Gospell within the Province of London*. The clergy reminded the Army leaders that 'in reference to the Power of Magistracie' they were 'but private persons'. And they went on to argue that whereas 'the Lawes of God, Nature, and Nations, together with the Dictates of Reason', had allowed the two Houses 'to take up Armes for their owne Defence', they did 'not allow' the same to 'a multitude of Private Persons' even though 'they have strength in their hands to effect it' (*Representation* 1649: 6). A number of advantages immediately accrued to the ministers from nailing their colours to the Calvinist mast. The first was that they were able to stigmatise the Army as merely a collection of private persons usurping the role of the inferior magistrates, the point being that, prior to the purge, it had clearly been the will of the inferior magistrates (that is, of the majority of MPs in the Presbyterian-dominated House of Commons) to effect a peaceful settlement with the king. The ministers were also exceptionally well placed to counter any attempt to cite those scriptures that superficially appeared to sanction political initiatives by private individuals. On the one hand, an attempt to invoke figures such as Ehad or Jehoiada without specifying that their victims, Eglon and Athalia, were tyrants by practice, would automatically fail; for if Eglon and Athalia were merely tyrants without title, then their fate could have no bearing on that of Charles, whose title was, for these purposes, unquestioned. On the other hand, any attempt to cite scriptural examples of resistance to those specified to be tyrants by practice (thereby establishing their relevance since this was a description which arguably did apply to Charles) was to open up the topic of divine commands, extraordinary callings and divine vocations. In effect, the Army and its supporters would have to identify themselves as antinomians and hence become liable to the traditional charges of being puffed up with pride, of being gods to themselves and of deriving that spirit for themselves from within themselves.

Hugh Peter in his *Abridgment of the Late Remonstrance* had already anticipated these arguments. He argued that the fate of Eglon and Athalia was relevant *however* they were classified:

If it be said that these two last Princes came to the Crown by force & blood, and so were without a title, it may be replied, that such was the entrance of the first of the English, French, &c. Royall race from whom the present Kings claime; but further, these two had Raigned, and the People been subject to them (which makes the most usuall title,) the one for 18. yeares . . . the other six yeares.

([Peter] 1648: 8/sig. B1^v)

This being the case, Peter simply assumes, though without saying as much, that they constitute precedents for private action. Likewise, according to Milton, the Israelites had undoubtedly ‘acknowledged’ Eglon as ‘thir Sovran’ and made themselves ‘his proper Subjects’ by taking ‘Oaths of Fealty and Allegiance’. As we have seen, the objection to be anticipated at this point was that Ehud must therefore have had ‘a speciall warrant’ from God to act as he did in slaying Eglon. Milton is quite prepared to admit that Ehud was ‘a man whom God had raysd to deliver Israel’. However, it was nowhere ‘expressd’ that he had received any positive command from God. Rather, Ehud had acted solely on ‘just principles, such as were then and ever held allowable’ (Milton 1991b: 17–19). Goodwin simply follows Milton’s account. First he classifies Eglon as a tyrant by practice, ‘unto whom by right of conquest, the *Israelites* had now been in subjection, 18 years’ and then flatly denies that ‘the fact of *Ehud* in killing *Eglon*’ was the ‘off-spring of some super-Scripturall converse between God, and the spirit of the Actour’ (Goodwin 1649: 45).

A similar procedure was followed in treating the case of Phineas. In *An Answer to the London Ministers Letter* (January 1649), the Baptist minister, Samuel Richardson, pointed out that Phineas was ‘no Magistrate’ and was therefore ‘not clothed with Authority, not from God or man to do it’, and then denies that Phineas had any ‘expresse Command from God’. Phineas had acted solely out of his zeal for the Lord, and Richardson had no doubts that ‘what the Army hath done’ could be ‘justified upon the same ground’ (Richardson 1649: 2–3). Goodwin begins by noting that Phineas’s action is ‘commonly resolved into an extraordinary instinct, or impulse of spirit, from God’, with the implication that ‘without some such warrantie as this it had not been justifiable’. But Phineas had in fact acted solely out of ‘his *zeal for God*’. However, there could be nothing extraordinary about this since ‘to be *zealous for God*’ is ‘but a regular duty . . . whereunto we stand all obliged

continually'. His act had also been 'commended and rewarded' by God 'as an act of *righteousness*'. But it could hardly be said that 'to act righteously' required 'any extraordinary, immediate, or forcible incitation from the Spirit of God'; men were 'bound to perform' such righteous acts merely by the 'standing and ordinary presence and assistance of the spirit' (Goodwin 1649: 43-4).¹¹

The arguments advanced by these supporters of the regicide bring into question the efforts of those historians who seek to bury the events of 1649 in charges of fanaticism and obscurantism. The paradox that appears to have eluded them is that scripture could be cited to secular ends. Nor have they grasped that a sixteenth-century ideology designed for waging wars of religion finally proved inadequate for the purposes of staging the first European revolution. For Milton, Goodwin and the others simply erased the intricate categories of the Calvinist theory of resistance. Nor was this at all surprising in view of their Arminian tendencies. As one recent commentator puts it, 'a reaction against Calvinist orthodoxy' was 'a unifying characteristic of seventeenth-century republicans' – and nowhere was this more true than of the two northern maritime republics: the United Provinces, the home of Arminius, and England, the home of his disciples (Worden 1990: 230).

Hobbes's two-pronged attempt to isolate the regicides in the Review and Conclusion should be treated with similar scepticism. In some ways, the energy he expends in debunking the concept of private zeal is beside the point, since the supporters of regicide are at such pains themselves to avoid any imputation of zealotry. Indeed, in the context of early modern political thought, this is precisely what constitutes the revolutionary nature of their claims; that is, that individuals (and hence, in this case, the Army) are free to seize the political initiative, and that they are free to do so *without* the sanction of an extraordinary inspiration or divine calling. All that is required of them is to proceed conscientiously and rationally. As Milton puts it with exceptional clarity in *The Tenure*, in acting against a tyrant 'no man of cleare judgement need goe furdre to be guided then by the very principles of nature in him' (Milton 1991b: 17).

11. Here Goodwin was replying to a paper by Henry Hammond, 'Of the Zelots among the Jewes', appended to the second edition of his *Of Resisting the Lawfull Magistrate under Colour of Religion*, where he argues that the 'Jewish priviledge of Zealots' must be 'interdicted' to Christians since it is appropriate only to a theocracy where 'God immediately presided, and reserved many things to be manag'd, & ruled by his peculiar & extraordinary incitation and impulsion' (Hammond 1644: 55-6). Hammond returned to the issue in *To the Right Honourable, the Lord Fairfax, and His Councill of Warre: The Humble Adresse of Henry Hammond* (January 1649).

The other tactic Hobbes employs, as pointed out earlier, is to insinuate that ‘the dissolvers of an old Government’ are facing in a completely different direction from those whose business it is to ‘erect a new’. The implication is that regicides and republicans, or (to borrow Pocock’s terminology) saints and citizens, can have little or nothing in common ideologically (see Pocock 1975: 361–400). Once again, however, there seems to be no compelling reason to accept this gambit. This is because by the time these apologists for regicide have finished demolishing Calvinist orthodoxy they have also, *ipso facto*, stripped the individual of much of what previously constituted him as a private person or subject. Instead the moral agents they posit in their discourses approximate rather more closely to the republican ideal of the citizen. There is no mistaking, for example, the polemical intent with which the author of *Clerico-Classicum* identifies himself on the title page as ‘John Price, Citizen of London’. But, as before, it is Milton who provides the clearest expression of the issues at stake. While much of *The Tenure* is given over to confronting Calvinists with the implications of their Calvinist doctrines (see Dzelzainis 1989), Milton’s own premises lie completely outside this frame of reference. Citing none of the standard scriptural texts, he turns instead to the Stoics and, most obviously, to Cicero for an alternative account of the right to punish. In *De officiis*, Cicero had laid it down that ‘men are born for the sake of men’, and so form a universal ‘fellowship’ based on ‘the exchange of dutiful services’. Those who do not participate, but instead show hostility, in effect exclude themselves from society. This was most clearly true of the tyrant, in whom ‘the wildness and monstrosity of a beast appears in human form’. And with the example of Julius Caesar clearly in mind, Cicero unhesitatingly concludes that a ‘pestilential’ tyrant, like a wild beast, can be killed by anyone (Cicero 1991: 10 (1.22), 111 (3.32)). Milton is content to do little more than reproduce this argument in *The Tenure*. There is, he says, a ‘mutual bond of amity and brotherhood between man and man over all the World’ such that whoever ‘keeps peace with me, neer or remote, of whatsoever Nation, is to mee as farr as all civil and human offices an Englishman and a neighbour’. Accordingly, it is not ‘distance of place that makes enmitie, but enmity that makes distance’. The tyrant, by failing to keep peace, axiomatically reduces himself to the level of ‘a savage Beast’ and ‘common pest’ to be despatched exactly as Cicero recommended (Milton 1991: 13, 17, 18). In these pages, at least, regicide and republicanism meet face-to-face, and are not, as Hobbes maintained, turned back-to-back.

Anti-monarchism in Polish Republicanism in the Seventeenth and Eighteenth Centuries

ANNA GRZEŚKOWIAK-KRWAWICZ

Anti-monarchism is only one aspect of a wider question, that of Polish republicanism, or, more precisely, of the republicanism of the Polish nobility, because, between 1500 and 1800, it alone constituted ‘the nation’ in the political sense (not exactly a limited nation, since it accounted for between 6 and 8 per cent of the population). Republican ideology began to dominate political thought in Poland from around 1600, and by 1700 it had eclipsed all others. It could be said that between 1700 and 1800 it had become a political article of faith not only for the ideologues but also for the most of the nobility; anti-monarchism was one of its components, but not the most important, and in any case not always manifested with the same intensity. As I shall show, after a certain time in Poland anti-monarchism played a destructive role within republicanism, tending to distort it and, in the practice of politics, to foment crises in the very structures of the State.

The foundations of Polish republicanism were laid in the sixteenth and early seventeenth centuries at a time when the nobility was acquiring real power at the expense of royal prerogatives. It was then that the legislative and institutional bases of the Republic of the Two Nations (*Rzeczpospolita Obojga Narodów*), as it was to be called during the next two centuries, were created. Little by little the nobility guaranteed for itself the enjoyment of civil liberties, beginning as early as the fifteenth century (1430) with the law *Neminem captivabimus nisi iure victum* which forbade the imprisonment of a nobleman without a judicial sentence being handed down to him, and proceeding (in 1578) to the removal of judicial power from the royal prerogative by creating tribunals, independent supreme courts whose judges were elected by the nobility, who exerted an ever-increasing influence on political authority. At the end of the sixteenth century the most advanced institution was the parliament; of the three estates that made it up – the king,

the senate and the house of nuncios – it was the lower house, to which the representatives of the whole nobility had access, that enjoyed the greatest power (Dzięgielewski 1993: 81). Finally, from 1573 onwards, the right to elect the king was guaranteed to the nobility in its entirety.

The political reality I have outlined was the determining factor in shaping the development of republican ideas in Poland. Of not inconsiderable importance too was the way the debate about the State was structured with respect to its participants; eminent theorists rubbed shoulders with people actively engaged in political life: nuncios, senators and public law practitioners. They all regarded holding forth on matters of substance as the right and the duty of the good citizen of the Republic who was concerned about the common weal; evidence of this was the surprisingly good grasp of the theory of the State revealed, on the one hand, by speeches prompted by current events in politics, and on the other by references, in the most general statements (which were far from being locked into the vision of an ideal state) to contemporary Polish reality: it was always a matter of advising one's compatriots or commenting on a new situation, whence (*inter alia*) a degree of eclecticism in the kinds of justification – based sometimes on republican ideals and sometimes on what researchers today call the language of civic jurisprudence – offered for the opinions expressed. Such eclecticism was manifest also in the views on royal authority; be that as it may, the domination of republican ideology seems evident from the end of the sixteenth century. It would take too long to characterise this ideology here, but its broad outlines at least need to be sketched in so as to lay down an indispensable marker for an understanding of what makes Polish anti-monarchism of such particular interest.

As early as the 1590s the citizens of the Republic of the Two Nations were stressing the differences between their government and that of most other nations. Following Polybius it was called a mixed government, *regimen mixtum*, because it was made up of three elements: monarchical (the king), aristocratic (the senate) and democratic (the whole of the nobility). Of greater importance than this classification, in use until the eighteenth century, was the conviction that apart from Venice Poland was the sole 'true' republic or, as people put it, the free republic, *respublica libera*, continuing the tradition of republican Rome.¹ With the passage of time the group of republics, or Free States, at the head of which Poland had always been put, was in the seventeenth century extended to include Switzerland and Holland, and in the

1. 'And here is the proper form of that Republic which we call free and . . . of which there have only been three in the world: Rome, . . . from which it passed to the Venetians, where it has lasted until our own time. Our ancestors *ad normam* that of Venice have set up the third for us . . .'
Libera respublica [1606]: 407; Backvis 1960: 240 ff.

eighteenth century Sweden (during the freedom era) followed by the United States of America (Grześkowiak-Krwawicz 1994: 171). Clearly it mattered less who was the head of state but rather whether, in the opinion of the writer, people there enjoyed liberty or not.

Freedom was the key word of Polish republicanism: it was what people felt distinguished Poland from other countries.² What was meant by it? On the one hand a liberty defined nowadays as negative, the freedom of individuals, particularly of all noble citizens, protected by a considerable number of rights and privileges; on the other a wider liberty, one and indivisible, guarantor of all freedoms (in the plural), the freedom to take part in political life: ‘great is that public liberty, since my lord does not govern me as he likes or as he sees fit, nor does any person without credit, but it is my brother who does . . . and, as a free man, I prefer to put up with what my brother, raised alongside me, himself sanctions’, wrote a political expert in the sixteenth century;³ the bulk of the nobility retained this idea of public liberty for two hundred years.⁴ In the seventeenth and eighteenth centuries the right of self-determination and of participation in state decision-making was called republican liberty which, in the eyes of Polish writers on the subject, was the determining factor in pinpointing both the difference between their régime and that of most other European states, and its superiority over its rivals. This conviction and this conception of freedom survived unchanged for two hundred years, but Polish republicanism had evolved in the meantime, or rather it had become set in concrete in a different form from the one it had acquired by about 1600.

Although always rooted in liberty, the statements from the end of the sixteenth century to the middle of the seventeenth had also made reference to the public good and the common weal which it was the chief duty of the citizens to watch over. Contemporary Poles not only considered themselves the heirs of ancient Rome, they were also devoted followers of Livy, Sallust and above all Cicero, who was perfectly well known in Poland. From these authors they derived the conviction that the republic needed virtuous citizens as well as a canon of civic virtues such as prudence, justice, courage

2. ‘Liberty and independence, which are the supreme good, are so great and so good in Poland that the freedoms which other countries pride themselves on are, compared with these, but an unbearable yoke’: *Krótkie rzeczy* 1859: 11.

3. *Naprawa Rzeczypospolitej* [1573]: 18. ‘We call *republicam liberam* that in which three estates, and not one alone, govern and reign *simul et semper*, . . . and in which they govern in the name of the common law, referred to as common because everyone constitutes it *ratione* for themselves, so that the law does not weigh on him who institutes it for himself’: *Libera respublica* [1606]: 403.

4. Virtually the same definition can be found as late as 1791: ‘Political liberty is the state of the nation which prescribes laws for itself’: *Katechizm narodowy* 1791.

and modesty of means, the most important being wisdom understood as prudence and military valour: the mark of the good citizen was bravery in battle and caution in the council chamber.⁵ The civic virtues were all the more indispensable because in a free country nothing compelled the citizen to serve his country:⁶ it was merely a moral duty, and an honour. The problem, for virtue, of coercion, posed by Machiavelli, was also discussed in Poland. A few great political writers of the sixteenth century and of the first half of the seventeenth opted for Machiavelli's conception. Łukasz Górnicki (who knew Machiavelli's text well), Andrzej Wolan and Łukasz Opaliński were interested in the laws not as a way of protecting individual liberties but as a means of providing training in citizenship: 'so there are laws in which the lesson of all honest obligation is contained'.⁷ But the opinion which prevailed was that in a free republic it was inadvisable to force anyone even to be virtuous; all that it was proper to do was educate good citizens: hence the large amount of thinking devoted to the formation of a truly republican character.⁸ The importance accorded to republican virtue resulted in a further particular consequence: all the failures of the Republic were attributed to a lapse from this virtue which, it was assumed, had been an inherent quality where the ancestors were concerned. The crisis of the state in the seventeenth century led to the multiplication of such opinions which became, in the first half of the eighteenth century, a commonplace, one that was all the more pliable for suggesting that the republican régime was perfect: no reform was necessary and corruption affected individuals only. This was not the last transformation undergone by republican ideology: a shift in emphasis can be discerned, with liberty, once the supreme good, becoming almost the unique good. From the end of the seventeenth century onwards the defence of freedom, especially against potential attacks by the king, was identified with the defence of the public good.

It is now necessary to return to the main question dealt with in this article: the role played by anti-monarchism in Polish republicanism.

5. 'Our ancestors bequeathed to us a fatherland made glorious by actions of chivalry and honoured by wise counsels', wrote Szymon Starowolski in the middle of the seventeenth century: 1650: 20.

6. 'We work for the Republic when we see fit. We shoulder our duties without compulsion and don't demit them without cause, even if ordered to do so': Opaliński 1959: 197; 'equal in their dignity, through their virtue, their fidelity and their love, the citizens serve the Republic and take great care of what has been entrusted to them, not as servants but as citizens . . . who both govern and are governed, having in view not the power and the profit of one person, but the Republic and liberty': Fredro 1668.

7. Wolan [1606]: 12; 'for a free state knows only one way of correcting depraved morals, passing severe and rigorous laws': Opaliński [1641]: 19.

8. For example Siemek 1632; Kunicki 1645; Starowolski 1650, ch. 9; Konarski 1754, etc.

However paradoxical that may appear, it would be difficult to speak of anti-monarchism in the period when the foundations of Polish republicanism were being laid. The place due to the monarch in republican theories was still, in the first half of the seventeenth century, an elevated one: the king personified the dignity and majesty of the Republic. Of note is the fact that certain attributes of royal power, the subject of lengthy debate in the west, were largely absent from Polish accounts; for example, republican ideology left no room for considerations about the divine source of monarchical authority, whether it be to accept it or to reject it. Such concepts were in general rare in Poland; even the handful of people arguing for the strengthening of royal power who appeared on the scene in the first half of the seventeenth century sought in other ways to justify the respect due to the monarch.⁹ It was not that the sacred duty of obedience was completely denied, but it was diversely interpreted: 'Power and the supreme will, or sovereignty, belong to the nation. Such power therefore derives from God and will be bestowed by the nation itself' (Staszic [1790]: 21). This definition was formulated at the end of the eighteenth century by a philosopher, but it would no doubt have met with the approval of his early seventeenth-century forebears.

The royal power was not the supreme power: above it there was the Republic, at first (in the sixteenth century) understood in the abstract sense, as a transcendent idea of state in relation to the monarch as well as the other inhabitants (Sucheni-Grabowska 1994: 97 and *passim*). Later (at the turn of the sixteenth and seventeenth centuries) the Republic was identified with its politically active citizens in their entirety, therefore with the nobility in its entirety (Opaliński 1995: 40, 108). This was the interpretation that was to be confirmed by the election of the monarch (in theory the right of every noble) and by the fact of signing a pact with him, one of the parties to which was the republic thus understood. The royal power was however very limited, and not by abstract rights derived from God or nature. According to the theory as well as the political practice in Poland, a monarch was not by nature the source of the law. Far from setting himself outside or above the law, he was bound by the laws of the country he was governing, and had to guarantee this in the *pacta conventa*, the pact with the nation already mentioned. 'The king refrains from breaking the law' is the way a sixteenth-century author defines it (Orzechowski 1858: 60): breaking the law would mean repudiating the pact, thereby authorising the nobility to rise up against the monarch in

9. Even the famous defender of royal power, the priest Piotr Skarga, used legal, moral and political arguments in his celebrated sermons to the diet, but he did not speak of the divinity of the royal majesty (Skarga 1972, sermon 6).

accordance with the law *de non praestanda oboedientia*, initially promulgated in 1573 and receiving its definitive version in 1609. Although never put into practice, this law permeated the political consciousness of the theorists and of the ordinary nobles.¹⁰ Monarchs were continually being reminded of the possibility of refusal of obedience; with some exaggeration, an eighteenth century writer saw in this law the foundation of Polish liberty (*Przestroga braterska* [1733]).

Although from the end of the sixteenth century onwards the Polish government passed for being a mixed one, from the beginning of the seventeenth its three elements were not seen as equal. The sovereign was the ‘nation’ (i.e. the nobility); it was the nation which, through the intermediary of its nuncios, instituted the laws to which the king too had to submit (Opaliński 1995: 108 and *passim*). A seventeenth-century term clearly expressed the way people viewed this state of affairs: the king of Poland was designated (and it was meant as a compliment) *rex regum*, king of kings ([Pęski] [*ca.* 1671]: 80).

Throughout this period – from the end of the sixteenth to the middle of the seventeenth century – the relationship between the Poles and their monarchs was defined in a most concise manner on the occasion of a Dietine (local assembly): ‘The Kingdom of Poland is not there to serve the kings, but the kings of Poland are there to serve the Kingdom.’¹¹ It is however hard to find anti-monarchism in this period: particular kings were criticised, often severely, but not the institution as such, it being generally recognised that a king was necessary, both to guarantee the stability of the state and its prestige abroad and to safeguard the laws and the liberties of its citizens. Despite the odd controversy flaring up from time to time, it was agreed that respect, affection and even veneration were the king’s due since he was the important element in the Republic.¹² It was often stressed that the Polish monarch’s prestige was greater than that of absolute monarchs since he reigned over free men as *dominus dominatum*, the sovereign of sovereigns, and the fact of being elected by the nation, and not imposed by an accident of birth, added further to his splendour.

If anti-monarchism was an issue at the time (the end of the sixteenth century and beginning of the seventeenth), it was not discussed in relation

10. From the Zbrzydowski rebellion (*rokosz*) in 1606 onwards, when the section of the nobility who found themselves at odds with royal policy rose against Sigismund III Vasa.

11. The Szadkow Dietine’s instruction for the nuncios, 1647, quoted in Opaliński 1983: 791.

12. Jan Zamoyski’s speech to the diet in 1605 was typical; in it he severely criticised Sigismund III’s policy, but added, ‘... I do not separate Your Majesty from the Republic because they must be united; there is always *conjunctim* here, and anyone wishing to separate these things is doing wrong’: [1605]: 92.

to the institution of monarchy in Poland but to give expression to the reservations and fears which people harboured about the absolute monarchies being constructed in other countries: the Poles watched with a feeling of superiority, but also with some anxiety, the way things were going in neighbouring kingdoms, comparing it unfavourably with what was happening in what they called their *respublica libera*.¹³ The twin sentiments of contempt for the subjects of absolute kings and of dread at sharing their fate were to intensify in the second half of the seventeenth century and in the course of the eighteenth. Distance and fear did little to help people grasp subtle nuances: according to the Poles, in the seventeenth and eighteenth centuries the monarchical countries, from Austria to France and from Spain to England, groaned under the yoke of slavery, their despotic kings treating them like beasts of burden. Just as there ruled in Poland a *rex regum*, so there were only *reges iumentorum* or *asinorum* elsewhere.¹⁴ In the eighteenth century the expression of these views became less lurid but no less emphatic: in the Republic there were citizens, in the monarchies only subjects (Grześkowiak-Krwawicz 1990: 86). Political literature delighted in drawing parallels between the monarchies and the *Rzeczpospolita*; on the one hand, by contrast, the good qualities of Polish liberty were thereby underlined, and on the other a stern warning was addressed to the Poles.¹⁵

The events which made a particular impression on the Poles were those that culminated in the transformation of a relatively free régime into an absolute monarchy: they were remembered for centuries. In the eyes of the Polish nobility countries which had been brutally deprived of their liberty included Bohemia and Hungary in the sixteenth century (for which the finger of blame was pointed at Habsburgian skullduggery) (Tazbir 1991; Opaliński 1995: 109), Denmark in 1662, after an absolutist coup d'état by the king, and the most recent in date from their point of view, Sweden in 1772. Even at the end of the eighteenth century these four countries were mentioned in the

13. 'It is better when the subjects claim *libere* their rights, better than in Italy, in France, in England or in Scotland, where the subjects are forbidden not only to claim them but even to breathe freely': A. Pierzchliński to the Sroda Dietine in 1615, quoted in Opaliński 1995: 85.

14. [Pęski] [ca. 1671]: 79; according to an eighteenth-century writer there was in Poland a '*regnum hominum* or *liberorum*' and in France, England and Spain a '*regnum asinorum* or *diabolorum*': Bystrzonowski 1730.

15. An eighteenth-century writer admonished his fellow-Poles in the following manner: 'The more frequently we recall the frightful groans, oppression and sobs of the wailing people, shackled and constricted ever more tightly by their chains and ever more sorely tried by their increasingly heavy yoke, the more should we consider, before all else, in what special and most perfect manner possible the rights of our ancestors, obtained at the price of their blood, could be safeguarded by ourselves': [Czapski] n.d.

same breath, as a warning against the threat posed by the power of a king on whom a close enough eye had not been kept (Grzeškowiak-Krwawicz 1994: 168–70).

I have on several occasions here spoken of fear or danger. These words lead us to the heart of the matter where Polish anti-monarchism and its place in republican ideology are concerned. In a way the fear of seeing the king violate the liberty and rights of the nobility underlay the process of the constitution of the nobiliary republic from the outset, though early on this fear found its expression less in republican ideology than in precise laws supposed to forestall possible coups by the king. For the moment this fear can be considered to have been a stimulus to action: in order to protect the citizens, it inspired laws of a modernity that surprises us even today. Apart from the fundamental laws for Poland's political régime already mentioned, it should be pointed out that the first guarantees of freedom of speech were secured in 1609 by virtue of an article of the law *de non praestanda oboedientia* which granted every nobleman the right to denounce any threat aimed at the Republic and its liberties. The law of high treason, passed in 1588, deprived the king of a pretext for punishing his opponents by establishing, nearly 200 years before analogous legislation was enacted in other European countries, a clear distinction between high treason on the one hand and the lesser crime of *lèse-majesté* on the other.

The republican ideology did nonetheless undergo changes in the course of the seventeenth century: it began to firm up, but did so in a form that differed from the one which writers and politicians had sought to give it at the beginning of the century. In theory the struggle over power-sharing was considered to be over, and the régime which had been set up was thought to be close to the ideal, and it passed for republican even though the king was part of it. In appearance its theoretical basis had hardly changed, but less and less was it a question of the law, of the public good and of virtue, and more and more one of equality (within the nobility) and of liberty. The latter had become a supreme value; it was above the law, above country – since any country without liberty had forfeited all right to respect – and had become an object of veneration and constant concern. In order to define the situation of the citizens of the Republic of the Two Nations it may be said that they were free from all fear: in secure possession of legal guarantees in respect of their persons and their property, they were immune from the threat of religious or political persecution. And, objectively speaking, that was indeed their situation; but, from the second half of the seventeenth

century to the end of the eighteenth, Polish accounts betrayed a continual fear, that of losing this liberty, whence the dominant place held in Poland by what might be called 'negative' republicanism, aimed at defending the status quo instead of seeking to create a new political situation or at least to alter the old one. Such was the logical consequence of the conviction that the Republic had a perfect régime; the ideal having once been attained, it could only be destroyed. Within the framework of a republicanism conceived in these terms anti-monarchism became an important element, but an equally passive one, that is orientated towards defence against possible coups by the king. The conviction that the king was, or at least ought to be, the defender *ex officio* of citizens' rights and freedoms had yielded to the view that he was a constant threat to those same rights and freedoms, a view that had some objective basis in fact: on the one hand, in events observed unfolding in other countries and, on the other, in the serious efforts made by the Polish sovereigns in their attempts to strengthen their power at the expense of their subjects' rights (from Sigismund III in the sixteenth to seventeenth centuries to Augustus II of Saxony in the eighteenth). Gradually, though, a subjective conviction was gaining ground according to which any king, by virtue of his nature, would always try to suppress freedom, and by virtue of their birth monarchs would always show hostility towards their subjects' liberty, rights and happiness. People began to view the king and the Republic as holding opposing positions, as twin powers with little love lost between them, whom a negotiated alliance did not prevent from watching out for the moment to spring unpleasant surprises on each other. Thus in the feelings which Poles entertained towards their king from the second half of the seventeenth century onwards fear began to gain the upper hand, a fear not so much of concrete measures undertaken by particular monarchs as of the oppressive potential of powers already in royal hands and beyond citizens' control. And finally, the experience of other countries showed that either by stealth or by coup d'état kings robbed their subjects of their rights.

The imminence of such coups being generally taken for granted, the struggle *inter maiestatem et libertatem* was held to be a given in Polish political life: even the best king was a danger to liberty. The warrior king who increased his territory had never been considered an ideal ruler in Poland, indeed rather the reverse: people saw in him an adventurer with leanings towards despotism, only too ready to spill the blood of his own citizens and that of his foreign subjects. Even a king endowed with such good qualities

as common sense, moderation and administrative skills seemed a threat to liberty: so argued those opposed to the election of the next Augustus III in 1733, warning their compatriots before the vote of the risks his candidacy posed.¹⁶

From the second half of the seventeenth century almost to the end of the eighteenth, political thinking focused on the question of how Polish liberty was to be preserved. An important question to be resolved here was how this liberty was to be protected against the king's coups. People's perspective on that issue determined the way the role of the chief institutions of state as well as of rights and political mores were evaluated.

This can be seen, for instance, in the evaluation of the Diet's functions, powers and procedures: did the Diet hold sovereign authority while in session? Did the citizens delegate their legislative powers to the nuncios? In the second half of the seventeenth century the issue of the sovereign power of parliament was settled to the Diet's disadvantage: republican ideology rejected delegation of power, insisting that the nation remained sovereign within the state and that the nuncios could be only its plenipotentiaries, bound by their instructions and obliged to give an account of their mission before the electorate. In practice that dictated the superiority of the Dietines over the parliament (Sucheni-Grabowska 1997: 26). At the end of the nobiliary republic in 1791 the manifesto of the Volynian nobility summed it up as follows: 'The nation is not in Warsaw but in the whole country, and its will is not in its representatives, but in the instructions issued by the voivode-ships.'¹⁷ A major contributing factor had been the fear of seeing the parliament nobbled by the king. In the eighteenth century England served here as a warning, there being a widespread belief that the English nation was free only during parliamentary elections (Grzeškowiak-Krwawicz 1985: 162). Let us say that, in general, legislative power which was too autonomous was held to endanger liberty; the fear of royal machinations was of primary concern, however, especially as the king had a number of strings to his bow: the last and indeed unique power left to him was that of investiture, the right to appoint to the highest offices of state and to award the stewardship of the republic's assets. The official line was that the kings had been deprived of the possibility of doing harm but had been left the right to 'do good'; this power, however, in allowing the monarch to gather support, appeared to threaten freedom. The

16. 'For His Highness the Elector, more sober than his father and less given to the pursuit of pleasure, *sedatus solidus* [temperate and strong] in reason and counsel . . . on joining to these qualities his power, what was he likely to think about on the throne if not the means of changing our form of government [sc. into a monarchy]?': *Wolne zdanie* [1733]: 7.

17. Manifesto of 13 May 1791, at which date it sounded old-fashioned, quoted in Nanke 1907: 90.

risk was nonetheless exaggerated, since investitures were a usufruct, and this set limits on the king's room for manoeuvre; but to guard against royal abuses in this domain the nation's sovereignty had to be maintained at all costs.

The fear of despotic coups led to another change, this time with respect to the part played by the Diet. The republicans, indeed the entire nobility, were reducing its role as a legislative power, the source of new laws, and as an active political body situated at the pinnacle of the state apparatus exerting influence on the direction taken by national policy. Thus, from the middle of the seventeenth century until at least the middle of the eighteenth, the role of the Diet was chiefly confined to the defence of freedom against potential coups and against abuses that could pose a threat to civil liberties. It was the passive function and so was not in contradiction with the progressive dysfunction, inertia and obstructiveness of the parliament. It mattered little that the Diet was less and less capable of voting the necessary taxes or of taking indispensable political decisions; for the bulk of the nobility the absence of such decisions tended to favour liberty rather than threaten it (see Ogonowski 1992: 35 ff.). In order to forestall the baleful machinations of the monarch the rule forbidding the continuance of debates beyond the six weeks laid down by law was strictly adhered to; people felt that the longer discussion lasted the more possibilities the king had to influence the nuncios. The same fear of despotic coups fostered and justified the institution of the *liberum veto*, the strangest procedure in operation in the Polish parliament. The individual vote of a single nuncio was entitled to prevail over the majority (see Konopczyński 1930). This law was in theory held to be the most precious jewel in the crown of freedom, its last bastion, from the vantage point of which a single virtuous Pole could defy a corrupt parliament and safeguard liberty from abuse at the hands of the monarch;¹⁸ but in practice the right of *liberum veto* served merely to thwart the king or political opponents in the name of particular interest groups. Paradoxically, although people realised this, they did not know how to surrender this veto, precisely because of its theoretical virtues. From 1652 onwards, when the nuncio Siciński used it for the first time, alleged 'abuses' of it were constantly being severely criticised, but until 1760, when Stanisław Konarski, the eminent theorist of republicanism, attacked it openly (Konarski 1760–3), no one had dared call into question the principle itself. The defence of liberty against the king and his supporters counted for more than the untrammelled functioning of the Diet or even, in the years 1733–63, than the functioning of the Diet at all (Michalski (ed.) 1984: 1, chs. 4 and 5).

18. For the most profound speech on the values of the *liberum veto*, see Fredro 1660: 181–91.

Another jewel in the crown of freedom was the free election of the king by the entire nobility. The sovereignty of the nation electing its ruler itself had been eclipsed by greater emphasis being placed on the fundamental merit of election, namely as a means of defending liberty. The reasoning was a simple one: since every king was the natural enemy of freedom, accession to the throne increased a monarch's chances of destroying liberty and establishing absolute power; but, given that the death of a king who had been elected for life set a natural limit to any abuse of his authority, his successor had to start again from scratch. An eighteenth-century republican commented on this aspect in the following terms: 'Interregnums are happy moments in which the nation shakes off its ancient defeats and oppressions in order to consolidate itself against the coming reign.'¹⁹ 'Against', a revealing word here, put the king, despite having been freely elected, in *a priori* opposition to the nation. It is true that, at least after the double election of Leszczyński and Augustus III of Saxony in 1733, political writers, if not the entire nation, realised that free election was a cloak for the political game played by neighbouring powers and for the sectional interests of the great Polish families. But, as in the case of *liberum veto*, the fear of *absolutum dominium* did not allow this principle to be called into question.

This fear paralysed Polish political thought for at least a century, from about 1650 to 1750. What is most striking about contributions to the debate before the end of the seventeenth century (and even afterwards) is the feeling of powerlessness shown by their authors: in the face of Polish anarchy and of the crisis in the state and its institutions, all they could do was utter jeremiads and make only the most timid proposals for change.²⁰ This helplessness found its most singular expression in a Latin tag that served as watchword for republicans: *malo periculosam libertatem quam quietum servitium* ('I prefer perilous freedom to peaceful servitude'). Disorder, they claimed, was inevitable under free institutions, whereas any attempt to curb anarchy was the first step towards the establishment of 'peaceful servitude'. The authors of projects aimed at improving and strengthening the organs of power were afraid that the king would use them for his own purposes like a mercenary army or a well-stocked treasure chest, and in the light of the slogan 'whatever strength is added to the throne is taken from liberty' there could

19. *Bezstronne zastanowienie* [1789]: 61; for the seventeenth-century writer election was the 'chief pillar of liberty' and 'a beneficial market for liberty': [Pęski] [ca. 1671]: 62.

20. Typical examples of this were the works of eminent political writers: Starowolski 1650, Lubomirski 1699, Karwicky [ca. 1709], Leszczyński [ca. 1743], Radzewski 1743. Only Karwicky and Leszczyński put forward proposals for very limited change; the three others severely criticised the situation in Poland but failed to come up with any solutions.

be no question of increasing the power of the monarch. That applied to all executive bodies considered to be hostile to freedom on principle and under the king's sway into the bargain. Until the disappearance of the Republic of the Two Nations, political writers frequently cast doubt on the need for a separate executive power, since its functions could be entrusted to the legislative body, and even where some form of executive was acceptable no one ever envisaged handing it over to the king. Quite the reverse: for example, the job of the ministers appointed for life was not to run the country (the army and the treasury included), but to keep a watchful eye on freedom and 'inspect' the king to make sure he had not exceeded his prerogatives (this was called 'intermediate power' because it fell between liberty and the royal majesty). This mistrust was once again in evidence in 1791, when opponents of the 3 May Constitution attacked the office of keeper of the laws (*Straż Praw*), an executive organ proposed by that constitution; it was nothing but an instrument of royal despotism in their eyes ([Czacki] [1791]: 66; *Zastanowienie* [1791]; Bończa-Tomaszewski 1791: 52), whereas it represented in fact a modern executive body, convened by the king but answerable to the Diet.

To demonstrate the extent to which fear of royal despotism was the determining factor where Polish political projects were concerned, let us take the example of three great republican writers of the eighteenth century, Karwicki, Leszczyński and Konarski. All three – Karwicki and Leszczyński still fairly timidly, Konarski a good deal more firmly – suggested changes and improvements to the political system of the Republic, starting with its legislative organ, the Diet; measures they put forward included the proposal that the Diet sit in permanent session and adopt the principle of majority voting.²¹ At the same time all three made the proposed changes conditional on one major reform: stripping the monarch of his last prerogative, that of investiture. It seemed to them that a king reduced to the role of figurehead and deprived of all power to influence the government alone represented no threat to liberty. It was a good starting point when hazarding the notion of divorce from the old parliamentary practices and recommending the strengthening of the legislature, or so the most daring reformers believed; public opinion broadly supported the necessity of limiting royal power but found the rest too perfect to require alteration.

Here due note needs to be taken of a paradox lying at the heart of Polish anti-monarchism. While fearing royal power, while criticising the attitude of other European monarchs towards their subjects, and while defying their

21. Konarski even introduced the idea of the delegation of power and proposed surrendering mandated instructions for the nuncios; see Konopczyński 1966: 188.

own kings whom they suspected of having absolutist ambitions, the Poles never contemplated giving up monarchy as an institution of state, with a single (and very belated) exception: around 1760 an anonymous writer in his considerations on Poland was led to the conclusion that since the continuous struggle between liberty and monarchy was tending to institutional crisis and anarchy, a pure republic had to be established there ('Moralizacja' [ca. 1760]: 113–25). His work, circulating in manuscript, was known to few people and his opinion was shared by no one until the 1790s, and even then only by two or three writers. Even at the tensest moments, when the king was being threatened with dethronement, the alternative was not a republic but the election of a new monarch. A number of factors would have come into play here. Firstly, throughout Europe theorists of the state were convinced that a great country had to have a king. The Poles thought likewise: abroad, a king was treated as a worthy representative of the Republic even he was not allowed to conduct his own foreign policy. Secondly, despite increasing fears, the vision of a monarch as the custodian of the laws still had considerable life left in it: it was up to him to forestall attacks against freedom, emanating this time from the great lords whose growing power needed to be counterbalanced by him. And thirdly, as I have said, any threat on the king's part was hypothetical and merely potential; even if it was advisable to remain on one's guard, the presence of the monarch was not a limiting factor where the liberties of the Polish Republic's citizens were concerned. As has already been mentioned, the fact that they had a king did not stop the Poles thinking of their country as a Republic. Everything depended on the degree of power at the monarch's disposal (see also Rostworowski 1976: 95). Of course the king was dangerous, but it was hard not to take justifiable pride in 'being able to make the man I please my lord and then strip him of his power should I see fit' (*Przestroga braterska* [1733]).

I have spoken up till now of antimonarchical *elements* in Polish republican thought seen as an ideology shared by the entire politically active nation, because for a long time it would have been difficult to distinguish a separate tendency, definable as antimonarchical and centred on the question of royal power, within republican thinking. From the seventeenth century onwards anti-monarchism, while almost never absent from political debate, was only one strand in this republican ideology, its manifestations varying in intensity over time, the high points coinciding with struggles against the kings, from the nobiliar revolt under Sigismund III Vasa in 1606 to the proclamation of the dethronement of Stanisław Augustus Poniatowski by the confederation of Bar in 1771.

Views about the role of the monarch became polarised only towards the end of the nobiliar republic in the late 1780s and early 1790s, at a time of violent political conflict and at a time, too, of very lively debate (occasioned by the four-year-long meeting, from 1788 to 1792, of the so-called Great Diet), on the system to be adopted. Nearly a thousand political pamphlets and broadsheets were published during this period, which coincided with a kind of split in Polish republicanism. A fresh tendency emerged: instead of struggling to maintain the status quo, people set out to create new power structures, and while remaining true to the old ideals of liberty, equality and national sovereignty, they fleshed them out with modern elements, liberty now signifying respect for the laws it had itself instituted, equality requiring political rights to be extended beyond the borders of a single state, and so on. They also reminded citizens of the ancient values, fatherland and the public good, placing them again, as in the sixteenth century, on the same footing as liberty;²² it should be noted that this current of opinion tended to ignore the fears which had obsessed Polish republicans for 150 years. There was of course still no question of strengthening royal power, such a procedure running counter to republican doctrine, but the leitmotiv of the struggle between liberty and majesty had disappeared. The balance had shifted: the king was no longer a rival, largely untamed, of the Republic, but only its highest functionary, possessing very limited power, who, like other officials, had to be kept an eye on, but not with especial apprehension. The legislative power, delegated to the higher, stronger and more effective organ, the Diet, was proof against the king's machinations, and there was no longer any reason to oppose strengthening the army (not under the ruler's control) or raising fixed taxes. Such a conception of the Republic and of the role held in it by the monarch did not prevent succession to the throne any longer even.

But it was around this last point that a violent struggle broke out between the new-style republicans, determined to create liberty, and the old-style republicans, bent on defending it. Was the ruler to be elected or to succeed his father? In the ensuing debate the advocates of the free election of the king redeployed all the old arguments against monarchs, and added a few, the heat of the political struggle having sharpened their thinking. Anti-monarchism dominated their ideology; only, until the vote on the 3 May Constitution and on the succession to the throne, it was a passive anti-monarchism. Before 3 May 1791 very few old-style writers had postulated certain changes; even fewer (three, to be precise) had proposed the abolition of the monarchy

22. The best-known – one might say most ‘modern’ – republican theorists were Hugo Kołłątaj (1788–9; 1790) and Stanisław Staszic (1787; [1790]).

and the establishment in Poland of a 'pure' republic, and these three only put it forward diffidently and with some reservations. On the other hand the whole group had a field day describing the terrible slavery that would follow more or less immediately upon the vote on the succession to the throne. The familiar servitude of monarchical countries deserved separate study (Zielińska 1991: 24–41 and *passim*). The example of France, then in the process of throwing off the 'yoke of despotism', was referred to favourably, the Polish antimonarchists speaking about it enthusiastically, as if they themselves had run the risk of being locked up in the Bastille (Grzeńkowiak-Krwawicz 1990: 125). They waxed indignant about the absence of virtue in the Poles, debased to the point of preferring restful slavery to unrestful liberty. At the same time it was suspected that an attempt on freedom lay behind every decision of the Diet; for example, the granting of civil and political rights (albeit of a fairly restricted nature) to the middle classes gave rise to the supposition that the king wanted to get them on his side so as to be able to lean on them in the event of an absolutist coup d'état. A similar interpretation was put on the modernisation of the army, the lengthening of the parliamentary session, and so on. How far did the anti-monarchists of the period go in their assertions? They made no distinction – what, they asked, did it matter? – between the succession to the throne and the partitions. Whether slavery was imposed from within or from without, it all boiled down to the same thing. As long as such assertions were confined to the rhetoric of political debate they could be treated with an ironic smile, but this could no longer be the case when, after the vote on the 3 May Constitution, they became the watchword of the rebels against the constitution approved by the majority of the nation. It was at this point that anti-monarchism became an ideology, or rather a phraseology devoid of substance, in the hands of a bunch of malcontents who, having found no support in their own country, called upon the 'faithful guarantor of Polish liberties' (Act of the General Confederation 1792), the Empress Catherine II, for assistance. For the first time a truly antimonarchical sentiment – one turned no longer against a king but against royal power as such – inspired political acts. It was loudly proclaimed that the 3 May Constitution, in establishing the succession to the throne and reforming the government, had suppressed the Republic and introduced monarchy, even absolutism, if not despotism, and that to combat these in the name of liberty in peril the rebels had taken up arms (*ibid.*). Backed by Russian forces the defenders of *ci-devant* freedoms were victorious, but it was a Pyrrhic victory. In the place of the familiar presumed yoke a foreign and very real yoke awaited them.

It would be a historical over-simplification to claim that the anti-monarchists must carry all the blame for such a turn of events, just as taking anti-monarchism for the essence of Polish republicanism would be. Of more central importance were the basic notions of national sovereignty and liberty (diversely interpreted, as they were, on different sides), together with several other very interesting and potentially very fruitful ideas, as I tried to show at the beginning of this chapter; on the other hand it has to be acknowledged that the antimonarchist aspect of Polish republicanism, which had at first acted as a stimulus, later revealed itself to be destructive and to lead down a blind alley, thereby contributing the distortion of republican ideology and of the whole of political life in Poland.

Translated from the French by John Fletcher

Classical Republicanism in Seventeenth-century England and the Netherlands

JONATHAN SCOTT

I. Introduction

This essay relates to a larger-scale attempted reconceptualisation of English republicanism. Its focus is upon four sets of relationships which feature in the historiography. The first two are between anti-monarchism in particular and republicanism more generally; and between republican language, constitutional form, and civic practice. What is here opposed is a reductionist tendency to collapse these relationships into one of their components. English republicanism cannot be reduced to that antimonarchical component which was a negative precondition for the achievement of positive objectives. Nor can it be reduced to a particular language or a particular constitutional vision since these things were held by most republicans to be secondary forms, adaptable in relation to an unchanging moral philosophical substance.

The other two relationships are those between seventeenth-century Dutch and English republicanism; and between the language of classical republicanism and that of natural law. Here the historiography has claimed a far more absolute separation than seems warranted by the evidence. This relates, in the case of the first, to the anachronistic modern separation of national histories. It is reinforced, in the second, by the greatest shortcoming of the existing literature on English republicanism: the relative neglect of its religious dimension. The consequent need is not simply to recover the radical Protestant republican religious agenda. It is to explain why, when classical republicanism came to England, it did so in the moral service of a religious revolution.

The answer lies in the Greek moral philosophy, as indebted to Plato as to Aristotle, common to some humanist and Christian political languages and their Christian humanist context. Recent work on English classical republicanism has emphasised its Roman rather than Greek sources (Peltonen

1995; Dzelzainis 1995; Skinner 1998; Norbrook 1999). Taken as sufficient this would be to privilege the origin of the word ‘republicanism’ over that of the thing, which consisted in the practice of civic self-government. It would also be to underestimate the extent of the frankly acknowledged dependence of Roman political writers themselves, and Cicero in particular, upon Greek moral philosophy.

II. Political Language

In the seventeenth century, the European republican centre of gravity moved north-west. From both Dutch and English ‘troubles’ republican practice and theory would emerge. Indeed, our starting point is that, however different we might discover them to be, English and Dutch republicanism emerged from a connected practical, as well as intellectual context (Scott 2000a). From the 1580s to the 1690s the Dutch and British troubles were crucially intertwined. They were so by common religious and political issues, by political and dynastic alliances, and by military interventions in one another’s affairs. The influence of Dutch example upon the English, in particular, was fulminated against by Stuart monarchs and ministers; praised by English republicans (Milton 1991a: 155; Sidney 1772: 24–5), and blamed by Hobbes among others for causing the English civil war (Hobbes 1996: 225; MacGillivray 1974: 39–40).

It is alongside the importance of this relationship in practice that we may be surprised by the small number of attempts to relate English and Dutch republican theory. The most specific was made by John Pocock in 1987 (Pocock 1987b). In an article only two years previously Ernst Kossmann had raised an inquiring eyebrow about what appeared to be the entire omission of the Netherlands from Pocock’s early modern European and Atlantic republican synthesis (Kossmann 1985; Pocock 1975).

Pocock’s argument had, as it were, taken the form of an express international rail and boat service. Notwithstanding the imposing bulk of the locomotive there had, between departure from Florence, refuelling in England, and arrival in America, been relatively few stops. As he stood, however, in a disused railway siding in Amsterdam, only to see the remarkable machine thunder past, Professor Kossmann couldn’t help wondering if the driver were not missing something.

The answer, two years later, was unequivocal. To spend any time comparing Spinoza and Harrington was simply to increase one’s awareness of the gulf between them. This was manifested in many ways: in the fact

that Spinoza was a natural philosopher, and Harrington was not; that for Spinoza the form of government was secondary, for Harrington primary; that Spinoza was not, therefore, strictly anti-monarchical, whereas Harrington was; that for Spinoza mixed government was an absurdity, for Harrington essential; that Spinoza's was a politics of sovereignty and subjection, Harrington's one of citizenship. Underlying all of these judgments was the key distinction, which was linguistic: that Spinoza's language was juristic, that is to say the language of natural law, whereas Harrington's was classical republican. Since Professor Pocock's locomotive was a linguistic construct this made possible the further suggestion that perhaps, like all speakers of juristic language, Spinoza was not actually a republican. Professor Kossmann had made a mistake, waiting at Amsterdam for the train to stop. It hadn't stopped because there was no station.

These distinctions are our starting point, not only because they may all be questioned. As our subject has become linguistic the distinction informing them is central. Quentin Skinner has spoken in related terms of writers who 'deriving their arguments mainly from scholastic rather than classical republican sources . . . were not generally republican in the strict sense of believing that the common good of a community can never be satisfactorily assured under a monarchical government' (Skinner 1989: 114). This raises the further question of the relationship of anti-monarchism to republicanism: the extent to which the former *is* the best definition of the latter 'in the strictest sense' (Skinner 1998).

Pocock's article did not consider any other Dutch republicans. This meant that there could have been some who shared Harrington's classical republican preoccupations, though he had no evidence that this was so (Pocock 1987b: 445–9). Meanwhile there was little if any connection between Spinoza 'a philosopher of natural jurisprudence and Harrington a Machiavellian humanist' (*ibid.*: 448). This judgment would have surprised most scholars of Dutch republicanism, under which rubric Spinoza (who praised Machiavelli as a partisan of liberty) is usually included. To this republicanism 'Machiavellian humanism' and/or classical republicanism have been taken to be central (Kossmann 1985; Blom 1988, 1993; Haitsma Mulier 1980, 1987; van Gelderen 1990; Malcolm 1991; Scott 1988). Nor did Pocock consider any other English republican but Harrington. On the English side, however, this did not preclude generalisation. Consideration of Harrington

enables me to say that English republican theory was grounded on mixed government rather than on sovereignty, on prudence rather than philosophy, and on sources of learning which were humanist rather

than jurist . . . From Harrington we learn that [within republicanism] the humanist mode of discourse was prevalent in England.

(Pocock 1987b: 444-5)

It has for a long time been customary to define English republicanism by reference to Harrington. This is because study of him long preceded study of it. I have suggested elsewhere that this is a reversal of the necessary procedure; that text must be related to context(s), and the part understood in relation to the whole (Scott 1993). Meanwhile, however, the effect of this procedure upon our understanding of English republicanism has been dramatic. This is because Harrington was a deeply idiosyncratic member of the English republican flock. Three things, for instance, which distinguished him within English republicanism were his relative lack of interest in the language of natural law; his preoccupation with the (in origin, Polybian) idea of the mixed constitution; and his extreme constitutionalism. If republicanism in general, and English republicanism in particular, are defined by reference to such features, then there will not only be no Dutch republicans, but few English.

Accordingly this is the view of the two most distinguished historians of English republicanism: John Pocock and Blair Worden. Among the casualties on the English side are John Milton and Algernon Sidney. For both 'the language of law' was as important as that of classical republicanism. Both displayed what Martin Dzelzainis has called 'a high degree of indifference . . . to constitutional forms' (Dzelzainis 1995: 19-20). Consequently for Pocock it is not clear what was specifically republican about Sidney ('one is not persuaded that he spent much time considering how a kingless form of government might be given institutional form' - Pocock 1994b: 917). Similarly for Worden, Milton's 'claims as a political thinker are limited' by the fact that he was 'more interested in the spirit of a constitution than its form' (Worden 1994b: 56-8).

By 'the spirit of a constitution' would appear to be meant those moral principles - classical and Christian - of which Milton's and Sidney's republicanism was principally composed. Why these merit any lower place in the history of ideas than constitutional forms is not clear. What is so is that within English republicanism as a whole constitutionalism was the exception, not the rule, because the English revolution was explicitly anti-formal (Davis 1990, 1993). This reflected the republic's practical history as well as its moral aspirations. These included the experience of constitutional mutation, the struggle against religious formality, and that for moral reformation.

Thus anti-formalism was a common thread animating civil war radicalism and republicanism (Scott 2000a, chs. 10-14). No English republican was more

religious than Henry Vane; none less so than Marchamont Nedham, but on this they agreed. 'It is not so much the form of the administration as the thing administered, wherein the good or evil of government doth consist . . . God did not universally . . . tye all the world to one form of government' (Scott 1988: 108). 'Government . . . depending upon future Contingents . . . must be alterable according to Circumstances and Accidents . . . no certain Form can be prescribed at all times' (Nedham 1657; Scott 1988: 110–12). With this Milton and Sidney agreed. Both were influenced by Nedham and Vane; the resulting combination of the languages of classical republicanism and natural law was equally characteristic of early seventeenth-century Dutch writers, by some of whom they were also influenced (Van Gelderen 1990: 221; Scott 1994).

To these generalisations, as others, Harrington was the exception. As only he played no part in the republican experiment in practice, so it was only he who elevated what was for the others a secondary matter to make it the core of a new science. This was because, as we will see, for Harrington the constitution supplied the place of moral citizenship: 'A man is sinful yet the world is perfect, so may the citizens be sinful, and yet the commonwealth be perfect' (Harrington 1977: 320).

To the extent that language is form, indeed, a history of politics as language may not be well equipped to analyse this anti-formal revolution of manners. In the case of Harrington, insufficient attention had been paid in particular to his use of familiar words in an unfamiliar way. What I would like to suggest, alternatively, is that the substance (as opposed to form) of classical republicanism lay in certain moral political assumptions and practices. Neither in these terms, nor linguistically, was Harrington's thought straightforwardly classical republican. Nevertheless most English republicanism was. Finally I propose to argue that Spinoza had more in common with this classical republicanism, so considered, than Harrington. This is to dissent not only from the judgment of Pocock, but also from that of Paul Rahe, who has argued against Pocock that there was no classical republicanism in sixteenth- and seventeenth-century Europe (Rahe 1994; Scott 1996).

III. Classical Republicanism

With all the rigour of Pocock on Harrington and Spinoza, Rahe has insisted upon the distinction of classical from modern republicanism. The former he associates with rational Greek moral philosophy and political and military practice; the transformation to the latter begins with Machiavelli. To make this case Rahe's discussion of Machiavelli dwells upon his (in fact incomplete)

break with the moral assumptions of classical political philosophy, while ignoring the purpose of that, which was the imitation of aspects of classical political and military practice (Machiavelli 1985, Preface; Viroli 1990).

Conversely, Pocock's opposing broad thesis of classical republican continuity has underplayed the implications of Machiavelli's ostentatious break with those moral assumptions. In the summary of Quentin Skinner: 'while these qualities may sometimes overlap . . . the idea of a necessary or even approximate equivalence between [Machiavelli's] *virtù* and the virtues is a disastrous mistake' (Skinner 1978: 1, 138; 1981). In truth Machiavelli's status in relation to classical republicanism, as in relation to modernity, is ambiguous (Pocock 1994a). He can be taken to have made crucial contributions to an adaptive classical republican tradition but we cannot wield the formula Aristotle plus Cicero plus Machiavelli as if they were all saying the same thing.

To come to the core of classical republicanism we need to return to the Aristotelian idea of politics (Aristotle 1988). This was that the *polis* was the only environment within which man could realise his moral nature (or *telos*). This was that life of virtue made possible by the faculty of reason. To the extent that the moral philosophy informing this vision was Platonic, Sidney was right to praise 'Aristotle, and his master Plato'. Plato's primary interest, however, had been in the self-government of the individual soul (Plato 1941: 311–13). This preoccupation with the city of the soul remained important in English republicanism and, as we will see, to Spinoza. It was Aristotle's most important innovation, however, to speak of the moral necessity of public citizenship, a theme subsequently amplified by Cicero.

This emphasis became particularly important within what Maurizio Viroli has called 'the republican idea of politics' in Italy. This built upon the assumption that moral political action was essential for both citizen and city (Viroli 1992; Skinner 1978: 1; Grafton 1991). Only the self-governing civic life could deliver to the rational human animal the life of all the virtues. Pocock has rightly emphasised the centrality of this moral philosophy, and its accompanying conception of political practice, to republicanism in seventeenth century England (Pocock 1985a: 40).

Our starting point is the suggestion that this was the core of classical republicanism – a moral core – to which other accretions were secondary. The most famous of these was the Polybian mixed constitution. Zera Fink's brilliant and pioneering *The Classical Republicans* (1945) argued that this was essential to the republicanism of Machiavelli, Harrington, Nedham, Milton and Sidney. In fact, however, its use by Machiavelli and Harrington was quite different; Nedham was hostile to it (Worden 1994b: 67–8); and its

importance to both Milton (Dzelzainis 1995: 8) and Sidney (whose first major work, the *Court Maxims*, makes no mention of it – Sidney 1996) has been much exaggerated.

What was fundamental to Milton's and Sidney's thought was (Platonic and) Aristotelian moral philosophy. This had constitutional implications: most English republicans (Harrington here included) agreed that the result should be the rational government of laws and not men (Scott 2000b). In particular, however, both made continual use of the Greek and Roman moralists (Plato, Aristotle, Cicero, Sallust) in the course of reiterating the centrality of the relationship between reason, liberty and virtue. Both the extent and nature of this adherence may be illuminated by turning to Sidney's *Court Maxims*, written in the Netherlands between 1664 and 1665 (Scott 1988, chs. 11–13).

The focus of the present author's previous published discussion of this text was upon its probable debt to the work of Spinoza's principal Dutch republican predecessor, Pieter de la Court (Scott 1988, chs. 12–13; see also Scott 2000a: 366–71). It is worth noting that, in John Pocock's own terms, the De la Court brothers' claims to classical republican status are superior to Spinoza's. Juristic language is absent; references to Aristotle and Machiavelli abound; the argument is a polemic against monarchy and on behalf of free states ([De la Court] 1702). Two things which would give Pocock pause, however, and which apply equally to Spinoza (upon whom the De la Courts were a major influence) are that the mixed constitution is not only absent but abhorred, and that Hobbes is an important source. It has already been suggested that the mixed constitution was not in fact fundamental to classical republicanism. Indeed since it embraced a monarchical component it was regarded by some Dutch republicans as unacceptably soft on monarchy (Haitsma Mulier 1980: 125, 137–8). It is equally the case, as we will see, that the influence of Hobbes was at least as important to English republicanism (Scott 1993, 1996; Rahe 1994: 180).

The theoretical basis of De la Court's anti-monarchism – his hostility to the government of one person in any form – was a collapsing of the Aristotelian distinction between monarchy and tyranny. Aristotelian monarchy had been government of the one in the interests of the governed; tyranny in the interest of the governor only. Although De la Court refers to this section of Aristotle's *Politics* he does so misleadingly in support of the quite distinct contention that all government by one person is by definition self-interested, and that therefore this interest is invariably opposite to that of the political community ([De la Court] 1702: 6). The most famous

actual author of this opinion was Machiavelli. The relevant passage of the *Discourses*, which had maintained the traditional distinction between lawful principality and tyranny until this point, suddenly used the words ‘prince’ and ‘tyrant’ interchangeably:

it is beyond question that it is only in republics that the common good is looked to properly . . . The opposite happens where there is a prince; for what he does in his own interests usually harms the city, and what is done in the interests of the city harms him. Consequently, as soon as tyranny replaces self-government [the city] ceases to make progress and to grow in power and wealth: more often than not, nay always, what happens is that it declines. (Machiavelli 1985: 275–6)

This was the basis of De la Court’s anti-monarchism. There resulted that interest theory which was essential to seventeenth-century Dutch republicanism: the argument that the self-government of a free people was public-interest government; that that of a single person was private-interest government, and that the two were irreconcilably opposed ([De la Court] 1702: 2–14; Scott 1988, ch. 13). Sidney’s *Court Maxims* is built around this idea, which had also played an important, if less developed, role in English republican argument. De la Court’s most important predecessor, in this and other respects, was Marchamont Nedham, whose own pioneering compilation of the ‘Maxims’ of a free state had enjoyed a similar context of official patronage a decade earlier on the other side of the Channel. In Nedham, too, Machiavelli is dominant; and ‘there is no difference between king and tyrant’ (Nedham 1969: 127). At the same time Hobbes is of interest, and mixed government is regarded with hostility. One reason for these parallels was a similarity of practical circumstances. In both cases new and fragile republics were defending and defining themselves against a still present and dangerous (Stuart or Orange) ‘monarchical interest’ (Scott 2000a, ch. 13).

It was the practical purpose of Sidney’s co-option of this argument to secure backing for an English republican insurrection from De la Court’s patron De Witt (Cameron 1961: 73). The argument of the *Court Maxims* was, accordingly, that as there was an irreconcilable contrariety of interest between republicanism and monarchy, and also a dynastic union between the Houses of Stuart and Orange, so there was an identical union of interest between Dutch and English republicanism.

In fine the [English] king seeking the ruine of the English trade and people, and ye ruine of the Holland Commonwealth, those two nations may see their joint interest . . . and unite in Councells and

actions, joyning their hands, hearts and heads to extirpate the two detested families of Stuart and Orange . . . The opposition between us and them . . . is universall and irreconcilable.

(Sidney 1996: 176)

What remains to be explained, however, is what *distinguished* Sidney from De la Court. Here we need to shift our focus from their anti-monarchism, which was almost identical, to their broader republicanism, which was not.

This difference hinged upon reason and the passions. Until Machiavelli at least this was the moral distinction at the heart of classical republicanism. Action in conformity with reason was public-spirited virtue. Reason was the harmonising, unifying force among men. Action in conformity with the passions was corrupt and self-interested. Machiavelli, however, had attempted to adapt a notion of republican virtue to a world of the passions. It was these which were to be reckoned with; reason was not the sole or even principal basis of virtue; people would not do good unless forced to do so.

It is not surprising that with this transformation went the Aristotelian distinction between a king and tyrant. Here Sidney and De la Court agreed: government by one man was inherently self-interested. For Sidney this distinguished it from government properly understood: monarchy was civil death.

If it be said, these and other nations, after [being] wearied with civil dissensions, have sought monarchy as their port for rest, I answer, few or none of them have sought monarchy as their rest, but have fallen or been driven into it as a ship upon a rock. We may as well conclude death better than life because all men doing what they can to preserve life do yet end in death. That free states by divisions fall often into monarchy only shows monarchy to be a state of death unto life.

(Sidney 1996: 20)

What differed was Sidney's and De la Court's positive republicanism. For De la Court, as for Machiavelli, the dominant political reality was the passions. *All* government was actually self-interested. The contrariety of interest between monarchies and republics; between private and the public interest, was not that between government by reason and passion, but between the *self-interest* of a single person and that of a self-governing community. This was sceptical Dutch republican reason of state. It again eliminated the moral basis of Aristotle's theory. This republicanism of the passions owed something to Descartes, and again helps to make intelligible the Dutch republican interest in Hobbes.

Sidney's republicanism in the *Court Maxims* is, however, a defence of government by reason against the passions: 'Man is by nature a rational creature. Everything, therefore, that is irrational, is contrary to man's nature' (Sidney 1996: 35). It is, most specifically, a defence of Aristotle and of the Greek idea of politics against modern sceptical reason of state. No modern word, says Sidney, has been

more abused than that of policy or politic. The mistake will be discovered by the etymology of it. *Polis* signifies a city, and *politeia* is nothing but the art of . . . governing cities or civil societies . . . that men in them may live happily. We need seek no other definition of a happy human life in relation to this world than that set down by Aristotle as the end of civil societies . . . (Aristotle *Politics* bk III). For as there is no happiness without liberty, and no man more a slave than he that is overmastered by vicious passions, there is neither liberty, nor happiness, where there is not virtue . . . By this you may see whether the name of policy be fitly given to that wicked malicious craft, exercised with perfidy and cruelty, accompanied with all manner of lust and vice, directly and irreconcilably contrary to virtue and piety, honesty and humanity, which is taught by Machiavel [Tacitus] and others.

(Sidney 1996: 24)

It is a peculiarity of this situation that Sidney's republicanism was, in fact, heavily indebted to both Machiavelli and Tacitus. Here Sidney indeed, like Spinoza later, attempted to excuse Machiavelli by suggesting that the *Prince* might have been written as a warning against monarchy. In particular, to a greater extent than any other, Sidney incorporated as central Machiavelli's dynamic militarism. English republicanism was in general bellicose; this was another distinction from Dutch republicanism, which sought the conditions for trading prosperity in peace. In Sidney's republicanism, however, Machiavellian anti-monarchism and militarism were grafted onto a stock of rational Greek moral philosophy. The sources given for this in the *Maxims* were Plato, Aristotle, Seneca, Sallust, and St Paul. In 1665 it was necessary to defend this idea of politics against another associated with Machiavelli and Tacitus themselves.

This view of politics was thus compatible with aspects both of Machiavellianism, and of Christianity. Nedham's *Mercurius Politicus* editorials had, similarly, defined classical republicanism against reason of state (Nedham 1652). In this Sidney, Nedham and Milton drew from that sixteenth-century Christian humanist culture to the recovery of which recent books by Margo Todd, Markku Peltonen and Blair Worden have made such important contributions. The result, within England and outside it, was quite capable

of combining the languages of humanism and of natural law. Its focus in so doing was upon the political championship of that virtue made possible by God's gift of reason to man (Todd 1987; Worden 1996; Peltonen 1995; Scott 2000a, ch. 14).

Thus Dutch republicanism focused upon the constitutional management of the passions, for public prosperity and peace. English republicanism entailed a warlike championship of reason. The moral philosophy of the former, breaking with Aristotle, was closer to (though not the same as) that of Hobbes. The latter was that very classical politics against which Hobbes warned when he spoke of 'all the Philosophers, Plato, Aristotle, Cicero, Seneca, Plutarch, and the rest of the maintainers of the Greek and Roman Anarchies' (Scott 2000a: 292). To this Sidney would reply:

Hobbes indeed doth scurrilously deride Cicero, Plato and Aristotle, *caeterosque Romanae & Graecae anarchiae fautores*. But 'tis strange that this anarchy . . . that can have no strength and regular action, should overthrow all the monarchies that came within their reach . . . I desire it may be considered whether it were an easy work to conquer Switzerland: Whether the Hollanders are of greater strength since the recovery of their liberty, or when they groaned under the yoke of Spain: And lastly, whether the entire conquest of Scotland and Ireland, the victories obtained against the Hollanders when they were in the height of their power, and the reputation to which England did rise in less than five years after 1648, be good marks of the instability, disorder and weakness of free nations?

(Sidney 1990: 49, 143-4)

To these generalisations, it will now be argued, the exception on the English side was Harrington, whose sceptical and pacific constitutionalism looks from this point of view far more Dutch than English. This was partly a cause, but rather more a consequence, of the influence upon Harrington of Hobbes. For Hobbes it was not difficult to see why classical republicanism in practice resulted in 'perpetuall war' (Hobbes 1996: 149). Its appeal to reason was rhetorical, not philosophical. Meanwhile war followed, as Thucydides had shown, from the actual appeal of rhetoric to the passions. The Preface to Hobbes's translation of Thucydides, published in 1629, emphasised this point. It was burningly topical, since the English parliament had recently been behaving in just this way. 'By this means it came to pass amongst the Athenians, who thought they were able to do anything . . . that wicked men and flatterers drove them headlong into those actions which were to ruin them; and good men durst not oppose, or if they did, undid themselves' (Schlatter (ed.) 1975: 12-13). The subsequent English civil conflict did

nothing to blunt this analysis. It accordingly remained a powerful informant of Hobbes's interregnum science of peace. In the composition of this he had one major student and rival. This was James Harrington (Scott 1996).

iv. Harrington's Science of Peace

For Pocock, Harrington was 'a classical republican, and England's premier civic humanist and Machiavellian' (Pocock 1977: 15). For Paul Rahe, on the contrary, Harrington's thought 'owes far less to the many thinkers of classical antiquity than to Thomas Hobbes' (Rahe 1994: 180). Throughout Harrington's work classical republican language is indeed used 'to camouflage what is . . . a new typology grounded on a material rather than a moral foundation' (*ibid.*: 181). That is why none of the key terms – liberty, virtue, balance, interest – have the conventional classical meaning. All describe the disposition, or motion, of material property ('dominion') or of a 'people' whom Harrington calls 'the materials of the Commonwealth' (Scott 1993).

This is because Harrington's *Oceana* is not, at least in the sense hitherto identified, a classical moral construct (Scott 1993). Within the outward forms of classical republican constitutionalism, and classical republican language, is a reapplication of Hobbesian moral philosophy (and metaphysics). It was partly Rahe's discovery that Harrington was to this extent a Hobbesian that led him to the false conclusion that there was no early modern classical republicanism. The mistake, shared by Pocock and Worden, was to take Harrington to be typical (Scott 1997: 245, 2000a: 292–3).

Vickie Sullivan has most recently reiterated that the view that Harrington's 'dominant purpose is the release of personal virtue through civic participation' is impossible to square with Harrington's own statements about what Oceanic participation actually involves (Sullivan 1994: 86–7). It was his contemporary Matthew Wren who first observed that 'though Mr Harrington professes a great Enmity to Mr Hobs in his politiques, underhand notwithstanding he . . . does silently swallow down such Notions as Mr Hobs hath chewed for him' (Wren 1657: 41). To this Harrington replied quite openly: 'It is true that I have opposed the politics of Mr Hobbes, *to show him what he taught me* . . . I firmly believe that Mr Hobbes . . . will in future ages be accounted, the best writer at this day in the world' (Harrington 1977: 423).

The objective of *Oceana*, as of *Leviathan*, is peace. It is the second great interregnum work of settlement in continuous dialogue and competition with the first. To secure this objective Harrington followed Hobbes's dictum that the artificial commonwealth must imitate nature. 'Policy is an art. Art is

the observation or imitation of nature . . . by observation of the face of nature a politician limns his commonwealth' (Harrington 1977: 417). That is why, for all its apparent championship of antiquity, the genuine foundation of *Oceana* is Hobbes's natural philosophy: his understanding of what nature is.

For Hobbes nature was material in perpetual motion. In Harrington's application of this insight, as 'the materials of a commonwealth are the people . . . [so the] form of the commonwealth is motion. In motion consisteth life . . . [and] the motion of a Commonwealth will never be current, unless it be circular' (Harrington 1977: 212, 248; Scott 1993: 160–1). What were for Hobbes the most politically important species of motion were explained in that chapter of *Leviathan* called 'of the Interiour Beginnings of Voluntary Motions; commonly called the Passions'.

Hobbes accordingly redefined liberty not as (as in Aristotle) collective civic participation, but as the absence of constraints upon action (voluntary motion) (Skinner 1990b: 140–1). This pertained only to the last stage of a chain of necessary causes, all voluntary motion being in fact necessitated:

of voluntary actions the will is the necessary cause, and [as] . . . the will is also caused by other things whereof it disposeth not, it followeth, that voluntary actions have all of them necessary causes, and therefore are necessitated . . . [therefore] I conceive liberty to be rightly defined in this manner: Liberty is the absence of all the impediments to action that are not contained in the nature and intrinsic quality of the agent.

(Hobbes 1840: 273–4)

Concerning this anti-Aristotelian formulation Harrington again explained, unambiguously: '[Mr Hobbs'] treatises of liberty and necessity . . . are the greatest new lights, and those which I have follow'd, and shall follow . . . as is admirably observed by Mr Hobbs . . . [the] will is *caus'd*, and being caused is *necessitated*.' We should accordingly not be surprised to hear Harrington describing civic participation, not in terms of virtue, but of motion, causation and necessity:

at Rome I saw [a cage] which represented a kitchen . . . the cooks were all cats and kitlings, set in such frames, so tied and ordered, that the poor creatures could make no motion to get loose, but the same caused one to turn the spit, another to bake the meat, a third to skim the pot and a fourth to make green sauce. If the frame of your commonwealth be not such as *causeth* everyone to perform his certain function as *necessarily* as this . . . it is not right.

(Harrington 1977: 744; Davis 1981).

Although different in every detail the orders of *Oceana* are accordingly, following *Leviathan*, a constitutional mechanism for containing the destructive potential of the passions. One aspect of Harrington's public argument with Hobbes concerned a championship on this account of a republican structure (which he called ancient prudence) against monarchy (which he called modern). This was partly because peace was not to be had on any other basis: 'now . . . all we can do is but to make a virtue of necessity, we are disputing whether we should have peace or war. For peace you cannot have without some government, nor any without the proper balance; wherefore, if you will not fix this which you have, the rest is blood' (Harrington 1977: 241).

Harrington's first reason for insisting upon a commonwealth was thus not that it was intrinsically superior, but that the existing 'popular balance' of dominion in England made it necessary for settlement. In this respect, as with every other republican, his anti-monarchism was not absolute, but conditional upon (in this case material) circumstances. Nevertheless, like others, and subject to these circumstances, Harrington gave his reasons for believing monarchy a 'less perfect' form of government in general; and these related not to the foundation but the superstructure.

Here Harrington used classical moral language and spoke of the 'right reason' of popular government. Here as elsewhere, however, this reason and the resulting public virtue turned out to hinge upon, not individual moral civic action, but a single constitutional mechanism. 'That which great philosophers are disputing upon in vain is brought into light by two silly girls: even the whole mystery of a commonwealth, which lies only in dividing and choosing' (Harrington 1977: 172). If one girl divides the cake and the other chooses, Harrington explains, the shares will always be equal. It is obvious enough, though seldom enough noted, that this depends upon the assumption of self-interested behaviour by both parties: should anything else occur the mechanism would in fact break down.

This is because Harrington shared the assumption of De la Court, and of Hobbes, that all political behaviour was self-interested. The faculty to be contended with was not reason but passion. The 'reason' of *Oceana* is constitutional, not individual. Its purpose is not to harness civic virtue, which is unlikely and unnecessary, but to govern the passions.

It is not even, with Machiavelli, to harness the passions themselves. Machiavelli had, most famously, praised the 'tumults' of republican Rome. It was Machiavelli's opinion, explained Harrington, that to 'cut off the occasion of her tumults, she must have cut off the means of her increase.' Harrington's purpose was to do away with tumults, by rendering the passions impotent.

He was accordingly driven to found ‘a commonwealth against the judgement of Machiavel . . . the greatest artist in the modern world gives sentence against [it] . . . notwithstanding the judgement of Machiavel, [however] your commonwealth is safe and sound’ (Sullivan 1994: 82–3).

Machiavelli was, indeed, reproved for an over-dependence upon virtue. ‘If a commonwealth, saith he, were so happy as to be provided often with men that when she is swerving from her principles should reduce her unto her institution, she would be immortal. But a commonwealth . . . swerveth not . . . but by and through her institution.’

The real reason for Harrington’s championship of a republican superstructure over monarchy was his belief in the superiority of his elaborate ‘orders’ for controlling the passions (motion). ‘[T]ell us whether our rivers do not enjoy a more secure and fruitful reign within their proper banks, than if it were lawful for them, in ravishing our harvests, to spill themselves?’ (Harrington 1977: 229–30). This was achieved partly by the subdivision of political functions, and by other mechanisms like rotation. It was achieved partly by the depersonalised voting system itself. (‘Men are naturally subject unto all kinds of passion . . . the Venetian boxes be the most sovereign of all remedies against this’ (Harrington 1977: 244)). As we should expect, however, from a student not only of Hobbes, but of Hobbes’s reading of Thucydides, no aspect of this was more fundamental than the government of oratory (Scott 1996).

In *Oceana*, as in *Leviathan*, the only rhetoric permitted is that of the author. In ‘The Model of the Commonwealth’ Harrington’s public ‘Orator’ ‘speaks’ Oceana’s orders. Like the rhetoric of *Leviathan*, this was the voice of authorial reason. *Oceana*’s ‘Orators’ are charged with ‘informing the people of the reason’ of her orders.

It is necessary, in this respect, to perpetrate a crucial deception. This is to support the claim – which is a matter of appearances rather than substance – that Oceana has ‘popular’ (as opposed to monarchical) government. For this purpose the authorial voice of reason must pose as that of ‘the people’ themselves. It is thus only during an initial spurious constitutional procedure that the ‘people’ themselves may speak.

all parties (being indemnified by proclamation of the Archon) were invited to dispute their interests . . . to the council of the prytans, who (having a guard of a matter of two or three hundred men, lest the heat of the dispute might break the peace) had the right of moderators . . . This . . . made the people (who were neither safely to be admitted unto,

nor conveniently to be excluded from the framing of their commonwealth) verily believe when it came forth that it was no other than that whereof they themselves had been the makers.

(Harrington 1977: 208–9).

Following this deception Oceana's citizens promise that they will 'well and truly observe . . . the orders and customs of this commonwealth *which the people have chosen*' (Harrington 1977: 277). One of these is

the twenty-second order . . . they will neither introduce, cause nor to their power suffer debate to be introduced into any popular assembly of this government, but to their utmost be aiding and assisting to seize and deliver any person or persons in that way offending and striking at the root of the commonwealth unto the council of war.

(Harrington 1977: 267)

Harrington's model for what follows was Venice, where 'the great council never speaks a word . . . she is of all others the most quiet, so the most equal commonwealth' (Harrington 1977: 276). The alternative, Harrington tells us, is 'the people . . . making themselves as much an anarchy as those of Athens'. In relation to which he says

give me my orders, and see if I have not trashed your demagogues . . . what convenience is there for debate in a crowd, where there is nothing but jostling, treading upon one another and stirring of blood . . . Nor shall any commonwealth where the people . . . is talkative ever see half the days of one of these, but being carried away by vainglorious men . . . swim down the sink; as did Athens, the most prating of those dames, when that same ranting fellow Alcibiades fell on demagoguing for the Sicilian war.

(Harrington 1977: 266, 268)

v. Spinoza's Science of Reason

This brings us finally to Spinoza, for whom, too, the key to practical politics was the constitutional management of the passions.

Since men . . . are led more by passion than by reason . . . it is necessary to organise the state so that all its members, rulers as well as ruled, do what the common welfare requires whether they wish to or not; that is to say, live in accordance with the precept of reason, either

spontaneously or through force or necessity . . . this only happens when the administration is so arranged that nothing . . . is wholly entrusted to . . . any man. (Spinoza 1958: 315)

To a greater extent, however, not only than Harrington but also Hobbes, Spinoza transcended the traditional ethics associated with the passions. In nature they were not vices, he emphasised, but properties, to be understood rather than denounced. Nor were the passions particularly associated with self-interest. On the contrary the distinction between passion and reason was precisely that between ineffective and informed pursuit of self-interest. 'All men certainly seek their own advantage, but seldom as sound reason dictates . . . in their desires and judgement of what is beneficial they are carried away by their passions . . . if human nature were such that what men desired most what was most to their own advantage, there would be no need of artifice to promote loyalty and concord' (Spinoza 1958: 98).

In this sense, as for Plato, the distinction between passionate and reasonable behaviour hinged upon knowledge (both of nature in general and of the self). It was this which opened the way for what Hans Blom has called the 'rational aspirations' of Spinoza's philosophy. For the pursuit of these aspirations constitutional government of the passions, to secure peace, was necessary, not sufficient. It was the purpose of Spinoza's state to provide the stable conditions within which men could be free. This freedom Spinoza defined as action in conformity with reason (Spinoza 1958: 229–30).

That is why (as Noel Malcolm has noted) despite his political dialogue with Hobbes, Spinoza's metaphysics are actually so different. Alongside the natural philosophy of the passions sits an active and rational idealism (Malcolm 1991: 551, 557). Another scholar has found in Spinoza a combination of positive and negative conceptions of liberty (Parkinson 1984: 53). In fact both Harrington and Spinoza sit on individual territory between a modernised classical republicanism (indebted to Machiavelli) and the new science. It was Spinoza, however, not Harrington, who transcended Hobbes on fundamentals, rather than particulars, and did so in a classical republican direction.

'Freedom or strength of mind is a private virtue; the virtue of a state is stability' (Spinoza 1958: 315). Even this stability was, however, both reasonable and active. That is why it was Spinoza who criticised Hobbes's understanding of peace in terms highly reminiscent of those of Sidney later against Filmer.

Sidney explained:

It is ill, that men should kill one another in seditions, tumults and wars; but it is worse, to bring nations to such weakness, misery and baseness, as to have neither strength nor courage to contend for anything; to have nothing left worth defending, and to give the name of peace to desolation . . . such peace is no more to be valued than that which men have in the grave.

(Sidney 1772: 223–5)

Spinoza agreed: ‘Peace is not the mere absence of war, but a virtue based on strength of mind . . . a commonwealth whose peace depends upon the apathy of its subjects, who are led like sheep so that they learn nothing but servility, may more properly be called a desert than a commonwealth’ (Spinoza 1958: 311).

That civil harmony which was the basis of true peace was ‘a truly human existence . . . not mere circulation of blood and other vital processes common to all animals, but primarily by reason, the true virtue and life of the mind’ (*ibid.*). For the communal pursuit of rational insight, the quest for truth, the idea of God, the state was the key form of co-operation (Blom 1988: 212). It is thus in Spinoza, not Harrington, that reason and liberty were in practice the touchstone of political government and civic life. That is why, throughout Spinoza, we find echoes of the moral and civil philosophy of Sidney and Milton in general, and of Sidney’s *Court Maxims* in particular. This is true both of their anti-monarchism and their republicanism.

In relation to the first, Spinoza explains, following Machiavelli: ‘how chary a free people should be of entrusting its welfare entirely to one man, who, if he is not a vain fool, who thinks he can please everybody, must go in daily fear of plots; and thus is forced in self-defence to plot against his subjects rather than to further their interests’ (Spinoza 1958: 313).

It is Spinoza, not Harrington (who does not countenance a right of resistance), who agrees with Sidney that tyranny is punished by a ‘right of war’ (Spinoza 1958: 307). It is Spinoza who repeats Sidney’s and Milton’s emphasis upon the moral government of the self (‘the man who is captivated by his pleasures, and can neither see nor do anything advantageous to himself, is really the greatest slave’ (Spinoza 1958: 135)). It is Spinoza who shares the *Maxims*’ notable use of Seneca, explaining that it is the main task of government ‘to plan for the common good and direct everything by the dictate of reason; since, as Seneca says, tyrannical governments never last’ (Spinoza 1958: 135). Most importantly, it is Spinoza who similarly insists upon the superiority of popular government (democracy) precisely because it is the

only structure appropriate to man's rational nature. 'The laws of a good state must be based on the dictate of reason' because that government is 'best, and least subject to inconveniences' which is 'best suited to human nature'.

Passion was fragmenting, reason unifying. There was accordingly a negative as well as positive case for popular government. As Sidney explained, 'A senate or assembly may . . . be deceived. But their passions are not so easily moved when composed of many men of the greatest experience and choicest parts' (Sidney 1996: 30). As Spinoza put it, there was the least danger of foolish decrees in a democracy 'because it is practically impossible for the majority in an assembly, especially in a large assembly, to agree upon a piece of folly' (Spinoza 1958: 135). More importantly, according to Sidney,

as God by his word gave order and form to . . . chaos, and . . . produced that variety of forms by which the world is made beautiful and fruitful, he has set a pattern unto us, by the power of reason, the relics of his image in us, out of that chaos of a confused multitude to produce a civil society . . . fruitful in all things conducing to a civil and happy life. (Sidney 1996: 22-3)

According to Spinoza, in

a democracy (which comes nearest to the natural condition) all make a covenant to act, but not to judge and think, in accordance with the common decision . . . [it is] necessary to allow freedom of judgement, and so to govern men that they can express different and conflicting opinions without ceasing to live in harmony . . . the basis and aim of democracy . . . is to restrain men as far as possible within the bounds set by reason, that they may live in harmony and peace.

(Spinoza 1958: 239, 289)

Finally this self-government by reason was necessary not simply to unite men with one another. It was also the means to their closer union with – that is to say, knowledge of – the author of nature and so of their own moral being. This moral knowledge was the end to which liberty was the essential means. Thus it was true for Spinoza, as for Milton and Sidney, that

he who does good from true knowledge and love of good acts with freedom . . . Our supreme good and perfection is wholly dependent on our knowledge of God and the consequences of that knowledge . . . the more we learn of things in nature the more perfect becomes our knowledge of God's essence, which is the cause of all things.

(Spinoza 1958: 71)

Again this Christianised Greek moral philosophy was compatible both with neo-scholasticism and with aspects of Machiavellianism.

Let us remember, by way of conclusion, the various manifestations of John Pocock's distinction between Harrington the republican and Spinoza the jurist. The first was that whereas Spinoza was a philosopher, Harrington was not. 'Harrington . . . did not belong to the new philosophy . . . and he [was] not engaged in trying to construct a deductive model of human nature and the natural world.' In fact as we have seen Harrington's natural philosophy was that of Hobbes: 'Policy is an art. Art is the observation or imitation of nature.' It was Spinoza who commended Machiavelli while ridiculing philosophical detachment from political practice; and Harrington who defended it, claiming 'there is not any public person, not any magistrate, that has written in politics worth a button' (Spinoza 1958: 261–3; Harrington 1977: 858).

Pocock's second claim was that for Spinoza, as for all users of juristic language, what mattered was the generation and nature of sovereignty. Its location, and therefore the particular form of government, was secondary. This was conditional upon particular circumstances in a way which was not true of the natural philosophic first principles. Since Spinoza's anti-monarchism was not, therefore, absolute, he was not strictly a republican.

As we have seen, however, the same was true of Harrington. A popular commonwealth was not appropriate for all circumstances, though in all cases the superstructure had to be appropriate to the foundation. Anti-monarchism is not, anyway, the totality of republicanism and is a poor test of it. Spinoza's *preference* for popular government was no less clear than Harrington's, and was a moral preference: 'All members of a society should hold sovereignty as a body, if possible . . . when sovereignty is vested in all . . . the people remains free' (Spinoza 1958: 93–5).

We come then to Spinoza's final two disqualifications from the republican register. The first is that he did not share Harrington's enthusiasm for mixed government, to which it has been responded that nobody did. The second is that Spinoza's juristic language (a language of subjection, rather than citizenship) was distinct from republicanism, linguistically defined. But should republicanism be linguistically defined?

VI. Conclusion

The answer may be 'no', if we are to understand republicanism by reference to its content rather than simply form; indeed if we are to successfully locate classical republicanism in the seventeenth century at all. It has here

been suggested that the key to early modern, as to classical, republicanism is its informing moral philosophy. The most important distinction made here in relation to this has been between republicanisms of reason, and of the passions. Related to but not equivalent to this has been the question of constitutionalism. The less optimistic moral assumptions were about individual civic capacity, the more emphasis tended to be placed upon constitutional detail. But nor is this generalisation absolute. Only in England is it possible to distinguish reasonably clearly between a republican constitutionalist of the passions, whose moral philosophy was indebted to Hobbes, and republican champions not only of reason, but of that classical politics of eloquence against which Hobbes had warned.

It was the eighteenth-century publisher Richard Baron who described Milton and Sidney as the outstanding practitioners of eloquence. Baron was an important conduit for the transmission of English republican ideas to America, where they found their most important modern home. It may be useful here to remember how much the treatment of the linguistic distinction in question as unbridgeable (between a language of virtue and one of rights) owes to a modern argument about the ideological origins of the American revolution. This would have made little sense to John Adams, who praised 'what are called revolution principles. They are the principles of Aristotle and Plato, of Livy and Cicero, and Sydney, Harrington and Locke. The principles of nature and eternal reason. The principles on which the whole government over us, now stands' (Patterson 1997: 279).

This essay has emphasised the compatibility of these two languages (and others). It may be necessary to recover this feature of our subject from the specifically modern need to categorise and subdivide. This would be to rescue from premature subjection to the rules of party politics an age still struggling against this outcome. In the seventeenth century the predominant republican ambition remained, not distinction, but unity-in-variety: harmony in accordance with the government of reason.

Part II

The Republican Citizen

Citizenship and Republicanism in Elizabethan England

MARKKU PELTONEN

I humbly pray you to believe that I aspire to the conscience and commendation first of *bonus civis* . . . and next of *bonus vir*.

Francis Bacon to the earl of Essex, 20 July 1600

I

England was a monarchy in the sixteenth century. It consisted of a monarch and her/his subjects, organised in a strict hierarchy. The monarch was expected to undertake the Herculean task of looking after the well-being of the whole community. In his well-known definition of *De republica Anglorum* Thomas Smith noted that ‘the prince is the life, the head, and the authoritie of all thinges that be doone in the realme of England’. Charles Merbury agreed: the king had ‘power full and perpetuall ouer all his subiectes in generall, and ouer euery one in particular’ (Smith 1982: 88; Merbury 1581: 41). In striking contrast to the monarch, the subject was expected to be obedient and mind his/her own business. Whereas the queen, one author argued in 1601, was ‘so absolute a Soueraigne, and so soueraigne an Empresse’ that she ‘truly meriteth the due title of Cesar’, her counsellors’ principal duty was ‘not onely to obey, but most principally draw others to obedience to our Caesar’ (N[esbit] 1601: 4, sig. A5^v–6^r). ‘The King’s Sovereignty and the Liberty of Parliament’, Francis Bacon told his colleagues in the House of Commons in 1610, ‘are as the two elements and principles of this estate; which though the one be more active the other more passive’ (1857–74: IV, 177).

Whereas the monarch took care of all and sundry, the subject bided quiet at home for the well-being to radiate from above. The dichotomy of an active monarch and an obedient subject left little room for the notion of active citizenship. This was the view maintained by John Pocock in *The Machiavellian*

Moment, and Conal Condren has recently argued that in sixteenth- and early-seventeenth-century England ‘the unruly potential of a civic culture’ and the concept ‘citizen’ was, despite the promising start of Thomas More and Thomas Starkey, tamed by ‘subsuming the citizen under the subject’. This was achieved either by equating citizens with town-dwellers or burgesses without any civic connotations, or by giving the concept an even harsher treatment, simply arguing that citizenship equals subjection.¹

There is something to be said for this interpretation. Whereas Thomas Starkey’s *Dialogue between Pole and Lupset* remained unpublished, Thomas More’s *Utopia* was always seen as a ‘ffayned common welth’, as Robert Cecil put it in 1601 (Hartley (ed.) 1981–95: III, 452). Indeed, reading the chapter on magistrates in John Foord’s *Synopsis politica* (1582), of which more anon, Gabriel Harvey commented that ‘we live in Smith’s Republic and not in More’s Utopia’ (Harvey 1913: 197). Richard Mulcaster pointed out that whereas in republics rhetoric was necessary – ‘then was the toungue imperi- all bycause it dealt with the people’ – in a monarchy it was useless, for then ‘must it [i.e. the tongue] obey, bycause it deales with a prince’ (Mulcaster 1581: 242–3). So an attempt to unearth the active citizen within the passive and obedient subject might strike as, if not utterly forlorn, at the very least an uphill battle.

Or so it would seem. For Thomas Smith also argued that ‘a common wealth is called a society or common doing of a multitude of free men collected together and united by common accord and covenantes among themselves, for the conservation of themselves aswell in peace as in warre’ (Smith 1982: 57). His commonwealth was, to be sure, a hierarchical one, but its most important distinction was the one between freemen and bondmen. Freemen included everyone from the king to the burgess and the forty-shilling yeoman. They were all ‘subjects and citzens of the commonwealth’, which amounted to bearing rule, office and jurisdiction over other freemen. Bondmen, on the other hand, were those who ‘have no voice nor authoritie in our common wealth, and no account is made of them but onelie to be ruled, not to rule other’. Yet, they should not be ‘altogether neglected’, for ‘in villages they be commonly made Churchwardens, alecunners [inspectors of ale], and manie times Constables, which office toucheth more the common wealth’ (*ibid.*: 64–5, 76–7; cf. [Smith] 1960: 11–12). Thus, while the *republica Anglorum* had ‘the prince’ who was ‘the life, the head, and the authoritie’ of everything within it, it also had the freemen, referred to both as the subjects

1. Condren 1994: 91–114. See also Pocock 1975, ch. 10.

and citizens of the commonwealth, who bore rule, office and jurisdiction; and rather than being far above these freemen, the monarch, argued Smith, was one of them.

Smith had no difficulties in combining monarchy and citizenship, and many modern scholars have followed suit. Quentin Skinner has recently pointed out that when the late Tudor and early Stuart schoolboys were drilled in the Roman tradition of secular rhetoric, the ultimate aim was to be able ‘to discharge the most important duties of nobility and citizenship’ (Skinner 1996: 66–110). Patrick Collinson has argued that in Elizabethan England ‘citizens were concealed within subjects’ (Collinson 1987, 1990, 1993; quotation from 1987: 412). And even Blair Worden thinks that Sir Philip Sidney was preoccupied with the notion of active citizenship.² The humanist’s commonplace that classical learning in general and history in particular had important lessons to teach to the sixteenth century was no empty truism. Thomas Wilson translated Demosthenes’s speeches against Philip of Macedon with a view to urging his countrymen to defend ‘their Countries liberty’ against the modern king Philip (Demosthenes 1570; see Worden 1996: 161–4). Gabriel Harvey studied and read Livy with numerous members of the court circles, carefully relating their reading to contemporary political themes and drawing political lessons from classical history (Jardine and Grafton 1990).

The aim of what follows is to have a brief look at the second half of the sixteenth century and to see whether any traces of ‘the Italianate tradition of the *vita activa politica*’, to use Condren’s terminology, is to be found. I shall begin by discussing the close connection between towns and citizenship, and then move to the citizen of the whole commonwealth. I shall end my paper with a short discussion about the ideas of citizenship in connection with the recent argument about ‘the second reign’ of queen Elizabeth I.

II

It is a commonplace that the republican notion of citizenship and civic virtue had a strongly urban character in both the ancient and Renaissance world. But as Condren has argued, in English political discourse town-dwellers were stripped of all the qualities of civic life. In Thomas Smith’s descriptions of English society ‘citizens and burgesses’ simply referred to a group of people living in towns and cities and placed between gentlemen and yeomen in his

2. Worden, 1996: 239–46, 23–7. My own previous attempt is to be found in Peltonen 1995.

social stratification. Yet, the whole country was of course dotted with towns and villages all of which experienced some sort of local autonomy.³ Perhaps it is worth our while to look for some concomitant theorisation of civic life?

Early in the century Thomas Starkey's republican account of civic life and citizenship was always restricted to urban areas. 'The gudly cytes castells & townys', he wrote, are 'byllyd [built] for the setting forth of the polytyke lyfe' (Starkey 1989: 8; Mayer 1989: 120–1). In his translation of Cicero's *De officiis* (published in 1534) Robert Whittinton exhorted not only 'the youthe that be of noble bloode' or 'priuate persones and cytezyngs, but also of suche as be gouerners of cytes, regyons, nacyons, realmes, and monarchyes' to peruse the volume carefully (Cicero 1534, sig. B 4^r). Citizenship, in Whittinton's analysis, was perhaps associated with private persons, but towns and cities were governed just like nations and realms.

These early examples of the close connection between active citizenship and urban life were often closely followed during the latter part of the century. When 'the actions of Citizens' were treated in Cornelius Valerius's *The Casket of Jewels* (translated into English in 1571) the terms 'city' and 'commonwealth' are used almost interchangeably (Valerius 1571, sig. Ei^v–Fi^r). Francesco Patrizi's *De institutione reipublicae* appeared in an abbreviated English translation in 1576 with the title *A Moral Methode of Ciuile Policie*. Explaining the beginning of civil society and virtue, Patrizi spoke about 'cities', and the translator Richard Robinson rendered Patrizi's 'in libera civitate' as 'in a free Cytty'. The work was dedicated to an alderman of London, and the dedication mentioned 'the flourishing estate of this oure Publique weale in euery degree . . . including the welfare and felicitye of this honourable Cittie'.⁴

The same link between citizenship, civic life and city was equally endorsed by a host of English authors. The dialogue on the respective merits of *otium* and *negotium* in Roger Baynes's *The Praise of Solitarinesse* (1577) took place in Venice; the Ciceronian account of the birth of civil society immediately led, according to Baynes, to the erection of several 'Townes and Cities'; and when Baynes presented the arguments for the active life, he again linked this with urban places.⁵ According to Thomas Rogers, 'ciuil frendship' occurred when men were 'of one societie, of one Contrie, Cittie' or 'of one religion'. The acts of this form of friendship took place in 'Churches, market places, stages,

3. For the ways in which small towns could consider themselves as self-governing republics, see Collinson 1987.

4. Patrizi 1576, fo. 3^{r–v}; sig. 4^r. Cf. Sansovino 1590, fo. 58^v–59^r.

5. Baynes 1577: 5, 58, 70, 71. Cf. Blandy 1581, fo. 13^v.

guildhalls' (Rogers 1576, sig. z8^{r-v}). Robert Greene argued that London was 'peopled with warlike Merchaunts, and politick Cittizens', and claimed that in order to know 'the calling of a Cittizen' one should simply be familiar with 'the effects *Tullie* pende down in his *Officies*' (Greene 1590, sig. 13^v – 4^r).

Even if it was possible to see merchants as active citizens, many associated civic virtue and citizenship with the gentleman who was expected to reside in the countryside. So although the anonymous author of the dialogue *Cyuite and Vncyuite Life* (1579) favoured life in 'the Citties and cheefe Townes', he admitted that this was the custom 'in some forraine Nations' and that 'our English manner is' for 'the Gentlemen of Englande to make most abode in their Countrey houses'. In order to persuade the English gentleman to change his habits – if he were in need of persuasion at this point – the anonymous author argued that, if we take Cicero seriously, we need to lead the life of action in 'the service' of 'the commonwealth', and this was possible only in the city ([Anon.] 1579). But since this was written by 'a Gentleman' for other gentlemen, he could accept neither 'Marchandize, buying and selling' nor 'Husbandry, Tillage, Grasinge' as suitable pursuits for a gentleman (*ibid.*, sig. c3^r).

So it seems to remain the case that, while the citizen's life of political action was often linked with an urban environment, seeing men of commerce as active citizens was not taken for granted, but demanded a public apology. Such an apology was offered by an anonymous author defending London, its customs and self-government in a tract entitled *A Breefe Discourse, Declaring and Approving the Necessarie and Inuiolable Maintenance of the Laudable Customs of London* published in 1584. The anonymous author defended London, its customs and self-government partly by preferring custom to 'a written lawe, passed and allowed in Parliament' and partly by claiming that it was always better 'for subjects to liue vnder the direction of Lawes, constitutions or customs publickly knowen and receiued' than 'to depende only vpon the comandement and pleasure of the gouernor' or 'the word of a Prince'. Whereas 'a lawe springeth vp in an instant, & receiueh life from' sovereign authority and could thus be 'often against the goodwill of them that are bounde by it', a custom received its force 'by degrees of time, and consent of a certaine people'. But the anonymous author mainly defended the customs and self-government of London by arguing that the citizens of London were both 'profitable members of the common wealth, in transporting our commodities into other lands, and enriching vs with the benefits and fruits of other countries', as well as capable of governing their own city. The Ciceronian vocabulary was subtly used for defending the abilities of merchants *qua* active citizens:

The Citizens of London, and rather for the great presumption and opinion conceiued of their experience, who beyng trayned by harde education, in great vse of seruice and affaires: and also by their trauaile and traffique beyonde the seas, by continuall negotiation with other Nations must needes (by al reasonable likelihoode) procure vnto themselues great iudgement and sufficiency, to manage a politicke regiment in their citie.

But the anonymous author not merely commended merchants as capable citizens, he also argued that the government of London was a source of great admiration amongst foreigners who see in London a city of ‘more then 500 thousandes’ inhabitants governed ‘not by cruell viceroyes, as is Naples or Millaine, neither by proude Podestá, as be most cities in Italie, or insolent Lieutenantes or presidentes as are sundry Cities of France . . . but by a man of trade or a meere merchant’. Thus unlike Italian cities, London was governed by its own inhabitants and its Lord Mayor could therefore be compared with ‘the Consuls, Tribuns or pretors of Rome’ rather than the aristocratic tyrants of Italian and French cities.⁶

Ten years earlier the printer, popular preacher and controversialist Robert Crowley, preaching to ‘the whole state of the Citie’ which had assembled for choosing a Lord Mayor, told the audience that the Lord Mayor ‘must be wyse & actiue’. Unless he has governed both himself and his family well, he is ‘altogether vnmeete to be chosen to publike gouernment’. Publishing his sermon, Crowley added to it an appendix giving advice about all elections both ecclesiastical as well as ‘Ciuile’.⁷

A reader perusing the translation of Stefano Guazzo’s *The Ciuile Conuersation* could read that ‘Commonweales, Cities, yea, small Townes, do they not assemble together to choose officers, & to establish orders by common consent?’ (Guazzo 1586, fo. 15^{r-v}). Thus even small towns had politically active citizens. William Kempe, the headmaster of Plymouth Grammar School, directed his educational treatise (published in 1588 and dedicated to the Mayor of Plymouth) to the people of his hometown whose ‘children that proue skilfull Marchants, expert Mariners, and Maisters in the arte of Nauigation’ would hopefully ‘be discreet, and wise Councillers, yea, Iudges,

6. [Anon.] 1584: 3-4, 5-6, 13-14, 15-16. Cf. Greene 1590, sig. ¶2^v, where the limited authority of the duke of Venice is contrasted with ‘the Lieutenantschyp, and absolute gouernaunce’ of the Lord Mayor of London. This ‘absolute gouernaunce’, however, depended on the fact ‘that the honourable Cittizens alwaies carefull for the Common-wealth, elect such a graue, and auncient Magistrate, as for his vertue, religion, wealth & worthinesse, may rightly be called Pater Patriae’.

7. Crowley 1575, sig. c iii^r, d ii^v-iii^r. A similar sermon preached in Hastings is Stockwood 1584.

Iustices and Rulers in the Common wealth' (K[empe] 1588, sig. E 2^r). If London was founded by Brutus, a grandson of Aeneas, Exeter's founding father, John Vowell alias Hooker claimed, was no one less than Brutus's nephew Corinaeus. No wonder, then, that Exeter was replete with 'good citizen[s]' contending and striking 'the one with the other, to help and further the common welth in all good and profitable things'. This consisted partly of 'valiant and strong' men 'beeing able to withstand the enemy', and partly of 'wise, politike and welthy, able to maintain the common societie' (Vowell [1575], sig. A iv^v-B i^r, F iii^v).

Tewkesbury in Gloucestershire was incorporated in 1575 and the first town clerk, John Barston, decided to immortalise this occasion by publishing his hotchpotch of quotations from classical authors, called *Safegarde of Societie*. The theme that runs through his tract is that of a small but free town safeguarding civic life and forming a commonwealth of its own. Barston's point of departure was the claim that there was an exceptionally close link between civic life and towns. When he addressed himself to the problems of civility, civic life and commonwealth, it was in connection with towns and urban places. These were in fact the only places where people could have abandoned 'their wilde and landishe manners'. It followed, as Barston was able to prove with the authority of Aristotle and Cicero, that the corporation of a city or town was 'a common weale in them selues' (Barston 1576, sig. B1^{r-v}, fos. 25^{r-v}, 26^r, 27^r).

The contrast between the uncouth countryside and the civilised town, Barston believed, could be explained in historical terms. Despite his reference to the idea of 'the golden worlde' and to 'these iron times', his dominant account of human history was one of the progress of civility and virtue. When the brutish multitude 'waxed ciuil at last', they 'began to know ciuilitie & embrace freedome' and soon discovered the 'oppression and tirannie' of their princes as well (*ibid.*, fos. 3^r, 14^r-15^r). In this progress from rudeness and tyranny to civic life and liberty, towns and cities played a crucial rôle. As soon as the multitude was tinged with civility they 'began to be reclaymed of their brutishe manners, and to franchise themselues also together, to ioyne their welth and commodities in common with them of the townes and cities'. In so far as England is concerned, the steady progress of civility and liberty almost came to a halt with the Norman conquest: the whole country had a chance to taste 'seruitude and bondage', being 'at the will and commandement of other men'; the English 'seemed godlesse, and of brutishe condition: on whose neckes Princes and noble men layde such greuous taxes and intollerable distresses'. But the Normans had, nevertheless, been unable to

change the happy course of English history, for cities and towns continued ‘to be enfranchised and priuileged, with diuers immunities and freedoms’ (*ibid.*, fos. 27^r, 21^v–25^v).

Bolstering the new status of Tewkesbury, Barston intended to ‘declare the corporation of a well gouerned Citie or towne, as they are to be ruled by priuate lawes and inferiour magistrates’ (*ibid.*, fo. 25^v). How was this rule to be organised and what was the citizens’ rôle in it? Barston emphasised not only the central importance of ‘the rule of one’, but also the equally crucial obedience of the common people, who were nothing but ‘a monstous beast with manye heades’ (*ibid.*, fos. 66^v–78^r, 28^v). Nonetheless, Barston followed Cicero in defining that a commonwealth enjoyed ‘a ciuil, mannerly, and honest life’ when ‘magistrates do rule, the senate or elders gyue counsell, the people vse their freedome of consente, and iustice of lawe doeth order all degrees’. In order to give a more concrete idea of this general principle, Barston ignored the actual government of his hometown (which consisted of two bailiffs and a council of twelve principal burgesses), (Bennett 1830: 378–81) and instead referred to the republican Roman government and the government of Massalia (Marseille) as described by Strabo. In Massalia the commonwealth was entrusted to ‘600 chiefe burgesses, senators or Aldermen’, out of whom fifteen were annually elected as ‘magistrates and gouernours’. Finally three from these fifteen were chosen ‘to bee iudges of the lawe’ (Barston 1576, fos. 26^r, 78^{r-v}).

If the common citizens were thus expected to use their freedom of consent and the chief citizens to look after the public good of the town and annually to rotate the magistrates, they (both common and chief citizens) needed, Barston insisted, several qualities to perform these lofty tasks. First, they needed religion and piety. But they also needed ‘country loue, care of common weale’. This, Barston was convinced, would lead everyone to ‘vse his calling, to profit al, & to damnifie none, and that must be by preposing priuate lucre that may not impugne publike vtilitie’. Everyone’s aim should simply be ‘to enlarge the common weale’ (*ibid.*, fos. 29^r–34^r). Furthermore, only those who possessed virtue counted as citizens – only those who ‘by their vertue and good gifts are nobilitate by them selues’ we can call ‘veré nobiles, noble men indeede’ (*ibid.*, fos. 60^v–66^r, 34^r–45^v). If a man’s ability to perform his duties as an active citizen hinged on his virtuous character, so, too, a magistrate was utterly unqualified to discharge his onus without the same qualities: they were ‘far deceyied’ who ‘make no more a doe to choose a magistrate, but to find him ancient & welthy, though he lack al things else besides’ (*ibid.*, fos. 79^v–82^r). The inescapable conclusion was that

the inhabitants of a free town were expected to form a large and virtuous citizenry, to take care of the government of their hometown and to look after the well-being of their commonwealth.

III

Although the English towns and cities could be seen as republics, when Thomas Smith discussed citizenship what he mainly had in mind was, of course, the whole *republica Anglorum*. In their accounts of citizenship and the whole commonwealth of England the English had to mould their notions of citizenship to suit the monarchical context.⁸ A striking example of how the notion (and the actual term) of the active citizen was combined with monarchy is provided by the Aristotelian John Case in his *Sphaera ciuitatis* (1588). In commenting on Aristotle's discussion of citizenship, Case made an important qualification. He began by agreeing with his author that in different states 'citizens' are different: 'he who is a citizen in a popular state is not a citizen in an oligarchy'. He also followed Aristotle word by word in defining the 'citizen' as a 'participant in civil authority' – as one who takes part in deliberative and judicial administration and acts as a magistrate. But he did not subscribe to Aristotle's claim that this was the definition of the citizen in a democracy. Instead, Case argued that 'this definition of the citizen applies to the citizen in a monarchy, in an aristocracy, in a democracy, in all well-governed states'.⁹

A more common way of doing the same was to identify service to the prince with the more genuine republican idea of service to the commonwealth or *patria*. Thus when Francis Bacon declared to the earl of Essex during those troubled months before the earl's rebellion that he was first a '*bonus civis*' and only after a '*bonus vir*, that is an honest man', he told the earl that being a good citizen entailed both being 'a good and true servant to the Queen' and loving 'the good of my country'.¹⁰

In developing this line of argument the first step was to assert that priority must be given to the *vita activa*. The Ciceronian conclusion that 'it is farre more famous and glorious to abide in the ciuile company and fellowship of men, and there, by persuasion of our words, and example of our workes, to benefit (if not all) yet as many as we may', as Roger Baynes argued in 1577, was endlessly rehearsed. 'A life contemplatiue' was 'sowre, lowring, blockish,

8. See e.g. Guy 1993: 14; Skinner 1996: 70–2.

9. Case 1593: 134–5; Aristotle 1988: III, i. See also [Twyne] 1576, sig. g3^{r-v}.

10. Francis Bacon to the earl of Essex, 20 July 1600, in Bacon 1857–74: II, 190–1.

rusticall, & farre from all ciuillnesse of life', argued Nicholas Grimalde (Baynes 1577: 68–9; Cicero 1556, sig. c 8^v). The second and closely connected step was to repeat the equally Ciceronian idea that 'wee are borne not for our selues, but for our country, kindred, friends & parents', as Thomas Floyd wrote in 1600 (Floyd 1600: 2–3). From these two premises of the active life and the love of country, it was easy to conclude that everyone should above all be profitable members of their commonwealth. Thus whereas Haly Heron (in *A Newe Discourse of Morall Philosophie* (1579)) simply talked about how 'to become profitable members of the common wealth' and Thomas Floyd about 'good members of the Common wealth', Roger Baynes contrasted 'a dangerous member to the common Wealth' with 'a member very profitable . . . for the whole estate' who was ready 'to defende and maintaine the wealth of his country'.¹¹

Are we entitled to say that what these people were talking about was citizenship, despite the fact that not all of them used the term 'citizen'? (cf. Condren 1994). I think we are, simply because the two terms (citizen and member of the commonwealth) were often used almost interchangeably. Thus Bacon could call himself a *bonus civis*, but when he explored the topic in *The Advancement of Learning* (1605), he talked about 'the common duty of every man as a man or member of a state' (Bacon 1857–74: III, 428; I, 727). Distinguishing between the government of the church and the commonwealth, an MP drew attention to the same Aristotelian distinction between a 'good man' and a 'good citizen', and argued that 'though I abhorre the sinne, yet I denye not but the sinner may be a good member' of the commonwealth (Hartley (ed.) 1981–95: III, 416).

Nonetheless, the word 'citizen' was often used, as when Edward Walshe called those who 'take paynes in the common wele of their country' as 'noble cytizens', adding that 'Demosthenes extolleth with high praise . . . the common wele of Democratia', where those who preferred their private good 'could neuer agayne be receaved to fauour' (Walshe 1545, sig. B 8^{r-v}, B 6^v). In Patrizi's *A Moral Methode*, a 'ciuil man' was defined as 'a good man' or 'a good Cittizen', and 'one that is profitable to his common weale' (Patrizi 1576, fos. 48^v–49^r). Francesco Sansovino's collection of maxims, *The Quintesence of Wit* (published in English in 1590), told the reader that 'it is the parte and duetye of a good Citizen' to enhance 'the benefite of the Common-weal' and to 'act for the commodity of his Countrie' (Sansovino 1590, fo. 88^v). In his *Synopsis politica* (1582), John Foord announced that one of his main topics

11. Heron 1579: 132; Floyd 1600: 16; Baynes 1577: 43. For a detailed account, see Peltonen 1995, ch. 1.

was to discuss ‘the good citizen’, and he defined ‘citizen’ as ‘an excellent man given to the commonwealth’, while reminding his readers that Cicero had argued in *De legibus* that citizens should know how to obey in order to know how to rule (Foord 1582, sig. ¶7^r, fos. 5^v, 24^v; Cicero 1928: 458–60). ‘Who are good Citizens’, Thomas Rogers quoted Cicero, ‘who in war, who in peace deserue well of their contrie, but those which beare in remembrance the benefits of their contrie?’¹²

Whereas Thomas Smith included burgesses and yeomen amongst the free men and thus amongst the active citizens of the commonwealth, John Case gave London as an example of an oligarchy with a strict property qualification for office (Case 1593: 232). By and large, however, the discussions of citizenship in an urban context often contained, as we have seen, an argument for a more democratic citizenship but in the context of the whole country the notion of citizenship had an aristocratic or gentlemanly cast. When the citizen’s duties are described, the intended audience is the nobility and the gentry rather than the yeomen and the burgesses. This is true in so far as the early sixteenth century is concerned. More’s *Utopia* is of course an exception, but Starkey’s *Dialogue between Pole and Lupset* has a strong aristocratic bias and even Thomas Elyot’s *The Book Named the Governour* was intended for the nobility and the gentry. This is also true with numerous treatises on true nobility. While their overall argument was, of course, that only virtue is true nobility, they were nevertheless composed for aristocratic consumption, the assumption being that the nobility and the gentry should follow the advice provided and they would thus be able to combine their pedigree with virtue and thus form a truly virtuous nobility.¹³ When we turn to foreign treatises translated into English we find a similar tendency. Amongst these we have translations of treatises on true nobility – such as Jeronimo Osorio’s *The Five Bookes . . . Contayninge a Discourse of Ciuill, and Christian Nobilitie* (1576) – and more importantly several openly republican works, which argued for aristocratic republicanism. These include Patrizi’s *A Moral Methode* (1576), Valerius’s *The Casket of Jewels* (1571), Laurentius Grimalius Goslicius’s *The Covnsellor* (1598) as well as Gasparo Contarini’s *The Commonwealth and Gouernment of Venice* (1599).

A similar aristocratic tendency can be discerned in educational treatises as well as several other treatises discussing citizenship. Richard Mulcaster

12. Rogers 1576, fo. 198^r; Cicero 1923: 512: ‘qui sunt boni cives, qui belli, qui domi de patria bene merentes, nisi qui patriae beneficia meminerunt?’

13. See for example, [Braham] 1555; Humphrey 1563; Ferne 1586.

wrote that young boys' education was designed to train them 'to gouerne our state', but soon the object group of his manual was redefined to include only young gentlemen (Mulcaster 1581: 132-3, 184, 192, 193, 201-4). The anonymous *Cyuite and Vncyuite Life* (1579) was specifically meant for 'all Nobilitie and Gentlemen', as the title page informs the reader, and the same assumption guided Thomas Rogers's *A Philosophicall Discourse* (Rogers 1576, fos. 67^r-69^r). Having set forth in his travel guide that 'wee are borne to serue our Prince, and natyue Countrey', William Bourne immediately added that these requirements concern 'especially the noble men and gentlemen' (Bourne 1578, sig. ** ii^v-iii^r). It is of course true that John Foord commences his account of citizenship by a general statement that a citizen is a good man given to the commonwealth, includes common people in citizenry and argues (like Smith) that they not only participate in the private sphere but hold minor offices in the commonwealth (Foord 1582, fo. 13^r). Yet, he also assumes that a proper education for every citizen should be rounded off by a continental tour of three years (preferably in diplomatic service). Since the ultimate aim of a would-be citizen was to become a senator, Foord focused his attention on how to mould 'best citizens' rather than just ordinary citizens.¹⁴ Similarly, when John Vowell bolstered the importance of parliament he cited Patrizi's arguments for the aristocracy, pointing out that 'the best order of government of the common wealthe: procedeth alwais from tholde and ancient Senators'. The king could not therefore govern alone but must seek the assistance of 'the nobler and more honourable' (Snow 1977: 117, 119).

If we ask what range of action the gentle citizen was expected to take, we receive an entirely traditional answer. There were two main forms which the citizen's civic action could assume. On the one hand, he was expected to act as a counsellor to the queen. On the other hand, the citizen was not merely seen as offering advice but in fact taking active part as a governor and ruler of the commonwealth. Commending his translation of *De officiis*, Nicholas Grimalde pointed out that the book was exceptionally necessary for 'the nobilitie' whose main task it was to take care of 'the common gouernment'. Cicero, wrote Grimalde, 'showeth men in authoritie theyr duties, bothe in warr and peas: wherby thei may make themselues, and theyr subiects happy, and fortunate' (Cicero 1534, sig. cc 1). John Lyly concurred. The active life was 'about civill function and administration of the common weale' (Lyly 1868a: 142).

14. Foord 1582, fo. 7^r. See in general Cornwallis 1601, sig. B7^v-8^r.

If we further ask by what means the citizen was expected to master these actions, we receive an equally traditional answer. The only way, it was argued again and again, the citizen could expect to perform virtuous actions and govern his commonwealth with success was to have an extensive education. Irrespective of whether the treatises were written as educational manuals, all of them strongly exhorted the citizens to receive a broad education in the heart of which was of course the *studia humanitatis*. Indeed, John Foord claimed that it was only this education which would render ‘the best citizen’ (Foord 1582, fos. 6^r–7^r). This is not to say that the educational requirements of the liberal sciences were limited to the nobility; of course, they formed the basis even for humbler grammar schools. Yet the plan for ‘Queene Elizabethes Achademy’ (from the early 1570s) of navigator, soldier and man of action Humphrey Gilbert gives us a striking example of both the importance of a liberal education for the nobility and of the strong underlying notion of aristocratic citizenship.

This academy was designed to cater for the educational needs of ‘the youth of nobility and gentlemen’. According to Gilbert, the educational standards of the nobility were appalling; youths were brought up ‘in Idlenes and lascivious pastimes’. To remedy the situation, an academy was to be set up in London because ‘the greatest number of younge gentlemen within this Realme are most Conversant abowte London’. This would first of all give better chances for ‘poore schollers’ to receive ‘scholarshippes and fellowshippes’ from the universities; at present the youth of the nobility and the gentry were taking these up. But the plan had clear advantages over the universities in so far as the training of the aristocratic citizen was concerned. First, in neither Oxford nor Cambridge could he learn any proper ‘gentlemanlike qualitie’. In this academy, however, he was going to be taught not only ‘to runne at Ringe, Tilt, Towrney, and cowrse of the felde’ as well as ‘to skirmish on horsbacke with pistolles’; he would also learn how to use the rapier and the dagger, how to dance, how to play ‘the Lute, the Bandora, and Cytterne’ as well as how ‘to blaze armes’.

The most serious defect of the universities, however, was the lack of a practical education. Although it was important for the nobles and gentlemen to learn the ‘qualities meet for a gentleman’, of much greater importance was to train them in civic skills. The whole curriculum of the academy was therefore designed for this purpose. The content of this curriculum was entirely traditional; it consisted of grammar, rhetoric and moral philosophy as well as instruction in mathematics, natural philosophy, medicine, warfare,

cosmography and astronomy. This extensive training was rounded off by lectures on civil law, divinity and common law.

Gilbert was convinced that this training would inculcate the nobility and the gentry with better qualities for their life than the one given by the universities. First, emphasis was placed on a military education. Furthermore, the crucial importance even in the teaching of the liberal sciences was placed on the active life of the aristocratic citizen. In rhetoric the students were instructed to give orations in English on ‘both politique and militare’ topics, and they were expected to argue on both sides – ‘approving or reproofing the matter’ – both ‘by reason’ and ‘with the examples’. The reason why the students were expected to give their orations in English rather than in Latin was that this was an education for political action. Subsequently, the students were to perform their duties ‘in parliament, in Cownsell, in Commyssion, and other offices of Common Weale’.

The same conception guided the teaching of moral philosophy. The tuition was to be circumscribed to ‘the politique parte thereof’. In ‘Ciuill pollicie’ the students were taught the different forms of government and the ways in which they may be ‘encreased or diminished’. Again these things were not taught for their own sake, but to make the students better citizens. The reader of moral philosophy was required to apply these rules to ‘our owne histories’ and ‘to the present estate and government of this Realme’. Gilbert was determined that the suggested schooling had a decided advantage over the one given at the universities because it would teach the students ‘more wit and pollicy then Schole learninges can deliuer’.

Underlying Gilbert’s plan was an idea of a commonwealth where the noble citizens reigned – an idea not too far away from an aristocratic republic. True, divinity was taught because it was ‘the onle fowndacion of true obedience to the prince’. But the overall aim of the academy was to ‘study matters of accion meet for present practize, both of peace and warre’. Common law was taught so that ‘noble men and gentlemen should learne to be able to put their owne Case in law’ as well as to be able to be ‘a Iustice of peace and Sheriffe’. The chief aim was, however, the ability to govern the whole commonwealth. The idea was nothing less than to provide a thorough education ‘foor the best sorte, to whom yt chiefly apertaineth to haue the managing of matters of estate and pollicy’ (Gilbert 1869).

This plan provides us with a background against which we can understand how the translations of foreign aristocratic treatises could be relevant in Elizabethan England. Perhaps it was not completely irrelevant for the anonymous translator of Goslicius’s treatise that his author depicted England

and Venice as essentially similar commonwealths (Goslicius 1598: 27–8). When Richard Robinson rendered Patrizi's work into English he pointed out that the main reason for the prosperity of England was the fact that the 'many christal starres of stately light vnder' the queen safeguarded 'the good gouernment of this her maiestyes Realme . . . with most holsome, godly, & politique lawes, and constitutions, for the continual conseruation of the publike weale'. The public good, in other words, emanated from the nobility rather than the queen. In Patrizi's treatise, argued Robinson, the reader could find a 'Copie of matter worthye Memorye and Imitation for euery estate and member of a good christian common weale' (Patrizi 1576, sig. 2^v–3^r). The treatise was, in other words, thought to provide a model for emulation.

Lewes Lewkenor's translation of Contarini gives us an even more striking example of the admiration Englishmen could express towards aristocratic republics. Lewkenor emphasised that there were more than 3,000 active gentlemen in Venice who took part in its political life – 'vnweaponed men in gownes', giving 'direction & law to many mightie and warlike armies'. Moreover, he was convinced that all the 'offices and dignitie' were conferred in Venice on people whom 'the whole assembly' regarded as 'men of greatest wisdom, vertue and integritie of life'. But just like Robinson, Lewkenor was not content to hold Venice in high esteem; he further argued that Venice provided an apposite example for other commonwealths to imitate. And he criticised those who thought foreign examples were irrelevant, 'who presentlie doe condemne for false fryuolous & impossible whatsoever is not within the narrow lymits of their own capacitie included'. The topicality of Lewkenor's criticism is ascertained by the fact that Simon Harward had preached in a sermon in 1598 (published in 1599): 'Forraigne gouernmentes, although they be in them selues most excellent . . . are not to be drawn as ensamples to other nations . . . The ensamples of those which are chiefe gouernors in Aristocratie, ought not to be drawn vnto them which are subjects vnder a Monarchie' (Contarini 1599, sig. A 2^v–3^r, * 4^v; Harward 1599, sig. B 4^v–5^r).

This leads us to the most important question of all: why did Elizabethan Englishmen have constant recourse to this concept of aristocratic citizenship which has often been seen as a contrast to their indigenous traditions of political thought? While no definitive explanation can be given here, the tentative answer must be sought from the particular political circumstances of late-sixteenth-century England. The proliferation of the notion of aristocratic citizenship seems to be closely related to the peculiarities engendered by the rule of the Virgin Queen, and it could perhaps be seen as a parallel

phenomenon with the application of sacred iconography to Elizabeth. How much of this proliferation hinged on her sex, we can only guess.¹⁵ But according to a well-known story an Essex labourer got into trouble in 1591 for claiming that the people should pray for a king because ‘the Queene was but a woman and ruled by noblemen’ (Levin 1994: 117; 1998: 77–8). When John Aylmer defended Elizabeth’s female rule against the blasts of John Knox’s trumpet, he did this on the grounds that England was the best place for a female ruler precisely because it was not a pure monarchy but rather ‘a rule mixte’, where the powers of the queen were easily kept at bay by the aristocracy and the commons.¹⁶ In Elizabeth’s coronation pageants it was emphasised, as Helen Hackett has demonstrated, ‘that a queen will be unusually dependent on the support of God and her advisers’ – a fact which ‘bespeaks underlying anxiety about Elizabeth’s ability to govern’ (Hackett 1995: 44).

Dedicating *The Nobles or of Nobilitye* (1563) to the young queen, Lawrence Humphrey told her, as Patrick Collinson has reminded us, that ‘We advaunce not your might, not your armie, not your wisdome: but wonder at your weakness and infirmitye.’¹⁷ When Elizabeth was associated with Deborah, the heroic female judge of Israel, this could be done with a view to urging her to work together with her council and people rather than against them (McCullough 1998: 136–7). The political nation, needless to say, was keenly aware of the sex of their monarch. When the Speaker of the House of Commons reported the queen’s speech to the House in 1601, he mentioned ‘her kinglye prerogatyve’, specifying that the gender confusion was of her own making (Hartley (ed.) 1981–95: III, 395).

In Philip Sidney and his associates’ schemes the notion of citizenship and an aggressive interventionist foreign policy went hand in hand, and could easily be contrasted with the passive, effeminate foreign policy of the queen (Worden 1996: 58–70, 154–7). The queen confirmed this, arguing in 1593 that it was because of her female characteristics that she had never aimed at greatness.¹⁸ Thomas Smith not only agreed with Aylmer but took

15. This is emphasised in McLaren 1996. But Peter E. McCullough (1998: 139–40) has powerfully argued that it was just as easy to associate masculine as female attributes to the queen and that she was more often seen as David or Solomon than as Judith or Deborah. McCullough has therefore concluded that ‘it may suggest our own ahistorical exaggeration of the importance of gender in sixteenth-century representations of Elizabeth . . . moral or political attributes were of more importance than gender when choosing biblical personae as types illustrating royal virtues and vices’. See also Levin 1994, ch. 6.

16. [Aylmer] 1559, sig. H2^v–11^r. See Shephard 1994: 23–4.

17. Collinson 1993: 83. Cf. in general Levin 1994, ch. 5.

18. Hartley (ed.) 1981–95: III, 173; in general, McLaren 1996: 225–6; Levin 1994: 139–40, 143.

it as a commonplace that a female ruler was in constant need of male help. Defining 'citizen' as one who can bear rule, he carefully pointed out that women were excluded altogether from citizenship, except where 'the authoritie is annexed to the blood and progenie, as the crowne, a dutchie, or erledome for there the blood is respected, not the age nor the sexe'. In such a case, however, the looming danger of female rule was easily prevented by the grave advice provided by her male counsellors. It was, Smith wrote, 'by common intendment understood, that such personages never do lacke the counsell of such grave and discreete men as be able to supplie all other defaultes'.¹⁹

The most pressing and long-standing political problem of the reign was, of course, an uncertain succession, which found its solution at the moment of the queen's death (Collinson 1993). 'After her raigne', said Robert Cecil in 1593, 'I never had so much as an idea in my head what would be our state then' (Hartley (ed.) 1981-95: III, 113). From her subjects' point of view it could be even more menacing, as Patrick Collinson has noted, that a monarch without an obvious heir of his or her body had only a life interest in the crown. It followed that the community must look to its own preservation, and consequently that its members must take an active part in its political life: 'it was precisely because the integrity, security and very being of the state required an uncontested monarch that the Elizabethan protestant political nation was quasi-republican in its thinking and methodology' (Collinson 1993: 59-60). A possible death of the queen constituted such a grave danger not because the English body politic could not survive without the head, but rather because the unclear succession could ignite a civil war (Hartley (ed.) 1981-95: I, 91). In 1584 there was an attempt to solve the problem by the Bond of Association, which required its signatories to pursue anyone attempting to harm the queen. It was signed by the Privy Council and bishops as well as humble farmers, thus embracing both the aristocratic and democratic citizens. But Lord Burghley and his associates also wanted to solve the question of succession; this was to be resolved, according to their plans, by the Great Council and parliament (see Collinson 1993: 63-6; 1987). These remarkable plans were not quite as unique as has sometimes been thought. The idea that it was parliament which should solve a disputed succession was suggested in print not only by Peter Wentworth (1598), but also by John Vowell and Thomas Smith. According to Vowell, parliament decided the 'advancement & preferment' of the king and queen 'in mariages' as well as 'the establishing

19. Smith 1982: 64-5; see Jordan 1987, especially pp. 440-2; Shephard 1994: 86-7.

of succession'. And Thomas Smith agreed: parliament 'giveth formes of succession to the crowne', he stated laconically in *De republica Anglorum* (first published in 1583).²⁰

For Collinson, these plans were 'not a thousand miles away from the Polish electoral monarchy'. Irrespective of its length, this journey, if not quite undertaken, was at least seriously entertained. Arthur Rushe argued in 1566 that 'the Princelye place . . . is not due byrth, but to merits' (Rushe 1566, sig. m1^r-2^r). John Lyly wrote in his *Euphues and his England* (1580) that Fidus's bees summoned 'a Parliament, wherin they consult, for lawes, statutes, penalties, chusing officers, and creating their king, not by affection but reason, not by the greater part, but the better'. Euphues was so convinced by this account that he thought men should imitate these bees (Lyly 1868b: 263-5). In John Foord's description, the king, far from being a mysterious figure, was just one amongst many magistrates. The main difference between the monarch and the other magistrates was simply the fact that his period in office was perpetual. The monarch was, however, elected by the nobility and the gentlemen, who appointed him amongst themselves (Foord 1582, fo. 15^r; Aristotle 1988: 1310 b 8-10).

Given the centrality of parliament in these attempts to solve the menacing problem of succession, it comes as no surprise that when dealing with this or similar questions the MPs conceived of themselves as active citizens. When in 1585 the right of Thomas Fanshaw, queen's remembrancer, to sit in a committee was questioned on the grounds that he was 'an officer of a court', he replied that 'I come hither as a comon wealth man and not as an officer' (Hartley (ed.) 1981-95: II, 118). In 1566 an MP justified his introduction of a bill for settling the succession by pointing out that Cicero had taught 'man is not borne for himself only, but partlie for his parentes, partlie for his children, and partlie for his cuntrie'. It was, the MP concluded, 'most unnaturall' to live 'in any common wealth' and not to regard 'his cuntrie'.²¹ Six years later another MP was 'amazed with a sentence of Tully. Yf breach of lawes a man should undertake', he said, 'then breake them boldly for kingdome's sake' (Hartley (ed.) 1981-95: I, 398; Cicero 1913: 30-2, 286, 370-2). This Ciceronian idea of the love of the *patria* could easily be extended to the love of coreligionists on the Continent (Hartley (ed.) 1981-95: II, 287).

A similar set of principles guided Peter Wentworth's famous interventions. In 1576 Wentworth gave his celebrated speech where he began that

20. Smith 1982: 78. See also Hartley (ed.) 1981-95: I, 216, 239.

21. Hartley (ed.) 1981-95: I, 129; see also vol. II, 480-1.

'Sweet indeed is the name of liberty and the thing it selfe a value beyond all inestimable treasure', and went on to assert that 'the libertye of free speech' was 'the onely salve to heale all the sores of this common wealth'. Since the prince could err and pursue 'a cause perillous to himselfe and the whole state', the only remedy was to rely on the MPs' prudence 'to foresee all such inconveniences'. It was therefore 'a dangerous thing in a prince to oppose or bend her selfe against her nobility and people'. The well-being of the commonwealth thus crucially hinged on the citizen. 'For no estate', Wentworth had planned to say, 'can stand where the prince will not be governed by advice', but he was stopped before he reached this point and sent to the Tower (Hartley (ed.) 1981-95: 1, 425-34). Ten years later he held to the same principles. Teaching his colleagues 'the liberties of this honnourable councill', he was 'fullie perswaded that God cannot be honnoured, neither yett our noble prince or common weale preserved or mayntayned, without free speech and consultacion of this honnourable councill'. He suggested several questions to be debated, amongst which was 'whether the prince and state can continewe, stand, and be maintayned without this councill of Parliament, not alteringe the governement of the state' (*ibid.*: 11, 320-2). Needless to add, Wentworth again landed in the Tower. How did he justify his actions? Being examined for his speech in 1576, Wentworth pointed out that since he was an MP he was 'now no private person' but instead 'a publicque and a councillor to the whole state'.²²

IV

It has recently been argued that while the middle Elizabethan years were relatively open (despite the harsh treatment of Peter Wentworth), the last decade of the reign was much more repressive, so much so that the term 'second reign' has lately been coined. The doctrine of mixed polity, so the argument goes, was the prevailing orthodoxy in the 1560s and 1570s, but by the 1590s it was widely argued that sovereignty resided in the queen alone, political discourse acquiring strong Tacitean overtones.²³ In so far as the notion of citizenship is concerned, this account has something to commend it. By the time we reach the 1590s the wide dissemination of the ideas of citizenship, which reached its peak in the 1570s, seems to have turned into a paucity. And when the notion of the *vita activa* was employed towards the end

22. Hartley (ed.) 1981-95: 1, 435. For similar statements, see e.g. vol. 1, 226-30, 240; vol. 11, 159; vol. III, 444.

23. Guy 1995a, especially pp. 12-17; cf. Collinson 1993: 71, 82.

of Elizabeth's reign, it was often used simply to urge people to obediently pay their taxes and impositions.²⁴

Yet, the change should not be exaggerated. Goslicius's and Contarini's works were published in England in 1598 and 1599 respectively. It was also towards the end of the 1590s that Robert Ashley distinguished between 'dull spirited' and 'high minded' people. The former were most easily 'brought under the yoke of Tyrantes' since they inherently admired tyrants, and even those who were 'desirous of great thinges' but 'moderate in their desires' were sooner or later 'brought into bondage'. It was thus only the 'most high minded' people who were 'of more witt and accomplishment' that were 'obedient to none but such a one as ruleth by lawes and institucions and governeth justly, and moderately'. Ashley's most illustrative examples were 'the Romanes and the Grecians'; 'the founders' of their commonwealths had ensured that 'their Cittizens' could channel their 'great spirite' to 'great accions'. Yet, these austere principles of citizenship were peculiar not only to these ancient republics but to all 'polished nations' (Ashley 1947: 40, 48–50).

Moreover, the Speaker Christopher Yelverton, an old friend of Peter Wentworth, asserted in his closing speech on 9 February 1598 that England was amongst 'the best-framed' commonwealths because the people were 'agents in the frameing' of its laws. Yelverton contrasted 'the best-framed' commonwealths where the people established 'the lawes that should governe them' both with those countries (like Athens or Sparta) where the laws were established by a lawmaker as well as with those countries 'where the rules of government . . . have bene settled only by some fewe magistrates'. These other forms of establishing laws were often followed by 'divers varieties of mischiefs', with the consequence that 'seldome doth there firme assent agree for the publick good of the people'. In England, however, where the people had 'freedome of discourse', they used their 'prudent foresight', searched into 'the reason of the lawes' and were thus able to nip 'any newe and outrageous misdemeaner' in the bud. Although the queen's 'most high and roiall assent' gave 'full life and essence unto' these laws, we can hardly claim that in Yelverton's scheme of things the people were mere passive subjects. On the contrary, they were active members (or citizens) of their commonwealth using their virtue of prudence to bear a chief responsibility for the well-being of their commonwealth.²⁵

24. E.g. Crosse 1603, sig. L4^{r-v}, 11^v; Gibbon 1604, sig. A 2^{r-v}, pp. 12–13, 15, 30–2. Gibbon argued that taxes 'are to be paid *auctoritatis causa* though there were no necessity to vrge it'. For other examples, see Peltonen 1995: 222–3.

25. Hartley (ed.) 1981–95: III, 197–9. Cf. [Anon.] 1584: 3–4; Barston 1576, fos. 8^{r-v}, 22^v.

Collinson has given the epithet ‘The Monarchical Republic of Queen Elizabeth I’ to these ‘quasi-republican modes of political reflection and action’, as he calls them (Collinson 1987; 1990: 23). Some purists might accuse him of an anachronistic terminology, but on a closer inspection he proves to be not wide of the mark. In 1594 Richard Beacon called a similar set of action and reflection as ‘a Monarchie governed popularlie’ in his *Solon His Follie, or a Politique Discourse touching the Reformation of Common-weales Conquered, Declined or Corrupted*. Whereas in Yelverton’s analysis Solon had imposed his laws upon the Athenians, Beacon argued that in fact Solon had been ‘forced to make such lawes for the instituting of that common-weale [i.e. Athens], as they [the people] were willing to receive’. And whereas Yelverton argued that such a government was the best one, Beacon asserted that it was a simple democracy, which must be ‘equallie tempered’ with the other two forms. Yet, even in a mixed government – or in ‘a Monarchie governed popularlie’ – it was best to retain ‘a popular liberty and free estate in the making of . . . lawes’ (Beacon 1996: 85–6, 105).

Beacon’s treatise was written in the context of the English rule in Ireland. His aim was twofold: to demonstrate how the pressing problems of the Irish commonwealth could be solved and to show how the English conquest of Ireland could be carried out. To achieve his lofty aims Beacon thought it necessary to familiarise the English with the democratic citizen of ‘the learned author’, as he referred to Machiavelli. In solving the menacing problems of the Irish commonwealth, he, closely following Machiavelli, asserted that Ireland should be organised as a mixed government, where the authority of the one must be strictly limited and where the balance between the nobility and the people was to be maintained by local governors always relying on the people. The government, in other words, should be organised in a way which prevented the nobles from suppressing the people; its chief aim was to preserve the liberty of the people.²⁶ Given this, it should be no news that he constantly employs the term ‘citizen’. Defining what he meant by ‘citizen’, he wrote that because of the ‘care and love which every citizen beareth unto his Countrie’, he should employ his ‘vertuous desire’ so that the ‘common-weales continued long, happy, and prosperous’ (Beacon 1996: 67).

But the notion of democratic citizenship also contained the idea of aggressive civic virtue and of a soldier bringing his sword to the defence of the *patria*. This notion Beacon used in discussing his second theme of the

26. For a more detailed account see Peltonen 1994.

completion of the English conquest of Ireland. He had a particular predilection for the story of Tarquinius Superbus the lesson of which was that as long as the people are uncorrupted, they are ‘constant defendors of their liberties’ (*ibid.*: 124). Interestingly, his reference to the Irish as ‘citizens’ occurred in a passage where he discussed ‘a notable mutinye and sedition rayzed by the citizens of’ Ireland.²⁷ Nonetheless, the idea of the armed citizen was not relevant to Ireland, which was a servile commonwealth. It was in the English context of the *Solon His Follie* that this image of the armed citizen assumed its crucial importance. Since England was not a servile commonwealth but one of ‘free Citizen[s]’ it was best to organise it like those commonwealths which aimed ‘at honour, as the butte and scope of all their actions’ (Beacon 1996: 86). This included admitting strangers and forming leagues with ‘free Citties and estates’. More importantly, it also included training the citizens in arms and military discipline. Beacon was well aware that there was a price to be paid for civic greatness. Eventually the commonwealth would be ruined ‘by discord and mutinies of the soldiours, for that their citizens are rendered bold by the continual use and trayning in military discipline’. But this price, Beacon was convinced, was worth paying, because the option of longevity ended in even more bitter or at least quicker tears.²⁸ Beacon’s preference for democratic citizenship was a marked one and presents thus a sharp contrast to the dominant notion of citizenship in Elizabethan England.

It has recently become clear that Beacon’s tract was directed against a former lord deputy in Ireland, Sir William Fitzwilliam, and thereby against Fitzwilliam’s patron, Lord Burghley, Elizabeth’s most powerful minister. The tract praised the recently appointed lord deputy Sir William Russell, whose patron was Lord Burghley’s main rival, the earl of Essex (Carey 1996a, 1996b). This context links Beacon’s tract not only with Essex’s Irish policy; it also connects it with Essex’s pleas for an aggressive foreign policy. Whereas Sir Philip Sidney’s advocacy for a forward foreign policy was couched in rather general terms of active citizenship, towards the end of the reign the same policy was defended by the Machiavellian notion of democratic citizenship. And surely it is not too much to say that this was to become one of the most enduring legacies of English republicanism.

27. Beacon 1996: 50. Cf. Herbert 1887: 19.

28. Beacon 1996: 86–7, 128–9. See also Sansovino 1590, fos. 58^v, 68^v–69^r, 69^v. For another indigenous example, see Smythe 1595, sig. ¶3^v–4^r, ¶¶2^v–3^r, and especially pp. 214–16 where Venice and Switzerland are used as positive examples.

Republican Citizenship and Civic Humanism in the Burgundian-Habsburg Netherlands (1477–1566)

KARIN TILMANS

Do save the cities, I pray, together with your daughter Pallas, and provide their citizens, in your goodness, with peace and tranquillity.

Jacobus Canter, Dialogus de Solitudine (ca. 1491)

The republican discourse of the Italian Renaissance is well known. To defend the community against faction and discord, the republican theorists argued – basing themselves on the works of Cicero, Livy and especially Sallust – that a free city needed to be a *res publica*. To guarantee the *vivere libero*, the city-state needed to create a constitutional framework such that the government reflected the *res* (the will of the community) and enhanced the *publica* (the general interest of the community) as a whole. Such a political community was, in republican discourse, best protected through government by law, by a mixed constitution and by the political virtue of its citizens.

By contrast, the political discourse in the Burgundian-Habsburg Netherlands remains largely unknown, with the one major and obvious exception of Erasmus. The political dimension of his thought is usually analysed together with the other key figure of Northern humanism, Thomas More. As has been argued by Quentin Skinner, John Guy and Brendan Bradshaw, there is a strong linguistic, conceptual and philosophical kinship between Erasmian humanism and the republicanism of the Italian renaissance (Bradshaw 1991; Guy 1993; Skinner 1987).

What form did the renewal of political thought take in this northern humanism? According to Bradshaw, the crucial consideration is that, beyond the ambiguities and obvious variance, a common nucleus of values and assumptions is found which constitutes the matrix of a distinctly humanist ideology, of which *humanitas* and *respublica* were the key concepts (Bradshaw 1991: 97).

The Erasmian humanist strove for the revival of Christian *humanitas*, which in political terms meant the revival of a Christian *respublica*. *Sapientia* is the highest possible political virtue. As Erasmus argued in his *Institutio principis christiani* (1516): ‘goodwill may suffice in the ordinary citizen, since he is directed by laws; it is of little avail in a prince, unless accompanied by wisdom’. With his plea for wisdom as the highest princely virtue, for an elective monarchy, government by consent and law, and political freedom, and with his fierce critique of political corruption and tyranny, Erasmus called upon a Ciceronian political language which he directed against contemporary political culture.

Erasmus, together with Thomas More, is rightly presented as the spokesman of transalpine humanism; but can he also be taken as representative of contemporary political thought in the Netherlands? He is certainly the best known of the early Dutch humanist thinkers, but at the same time he is the most un-Netherlandish of them all, working as he did mainly outside the political context of the Burgundian-Habsburg Netherlands. To answer this question, at least three prior questions need to be addressed. First, are *respublica* and *civis* – the key concepts of republican discourse – also the key concepts of humanist discourse in the Netherlands? Next, are the concepts *respublica* and *civis* part of a republican language in which such other complementary concepts as *humanitas*, *virtus* and *patria* also play a crucial role? And finally, what is the meaning and content of the ‘Dutch’ concept *vis-à-vis* the political vocabulary of the Italian city-states? Is there similarity or variation in meaning?

To answer these questions, I shall investigate the historiographical and political-theoretical treatises written in the Burgundian-Habsburg Netherlands, during the period from 1477 to 1566. Chronicles are important here, since the number of civic humanist treatises is fairly limited.¹ My research tries to investigate the relationship between political practice and political discourse in this period of the failing central state under Burgundian-Habsburg rule, a period which preceded the revolt against Spain. Both historiography and political philosophy will be treated as part of the contemporary political debate, and considered as related intellectual genres in which Netherlandish society accounted for its moral constitution and institutional order.

The more specific aim of the present paper is to make a tentative analysis of the concept of citizenship within the Burgundian-Habsburg Netherlands. I say ‘tentative’ because the exploration of the sources at this level is far from

1. On the importance of historiography for republican founding myths in the Burgundian-Habsburg Netherlands: Tilmans 1992.

complete. It is also tentative because the study of this period is hampered not only by the overwhelming attention given to Erasmus (and hence the lack of attention to so-called peripheral writers) but also by the still dominant idea that the Burgundian Netherlands, culturally and intellectually, were rightly described by Huizinga in his classic *Waning of the Middle Ages* (1919). This has led to excessive attention being paid to literature which originated at court rather than city level, and at the same time to an underestimation of the intellectual force of writings originating from the Burgundian-Habsburgian periphery. It is only through recent studies on civic humanism and its influence in the Netherlands that the focus of attention and analysis has started to change (IJsewijn 1975; Vanderjagt 1981; Ebels-Hoving (ed.) 1981; Tilmans 1992; Santing 1995).

Although the Burgundian-Habsburg Netherlands had a monarchical form of government, in practice it had a strong tradition of self-government, which suggests at least a parallel with the Italian city-states. What was then the southern Netherlands was very densely populated, with a level of urbanisation almost equalling that of Venice, which itself was regarded as the most densely populated part of Europe in 1500 (Blockmans 1997). Together with the great cities in northern and central Italy, Switzerland and the Empire, the cities of the Netherlands formed part of what historians call the 'urban belt' of Europe (Blickle (ed.) 1997; Rokkan 1973). These great cities had gained almost complete independence from their original lords, enjoyed unlimited political rights, protected themselves from external enemies and kept peace within their walls.

The claim for independence and self-government in the southern Netherlands was the hard-fought and hard-won result of a century of struggle against princely interference. The strong city-states in Flanders sought, in social revolts and constitutional claims, alternatives to monarchical centralization. 'It is obvious', Blockmans argues,

that none of these cases shows any republican thought: always the barons, cities and states acted in the name of the prince. Materially, they had nevertheless been building up a tradition of self-government in periods when they judged it necessary. This mentality is considered the necessary precondition for republicanism and was surely no less radical than any political theories of its time.

(Blockmans 1988: 151)

Both in Brabant and Flanders, the model was the city-state system, based on the supremacy of the major cities each in their own region, as they had shaped

it during the recurrent revolutionary periods of the fourteenth and fifteenth centuries. On the level of the principalities, the capitals had for centuries practised a system of consultations and collective conflict-resolution. This was the model of the northern Netherlands, and especially of Holland (*ibid.*: 154).

The continuous struggle between the rich southern cities and the prince resulted in what Lodovico Guicciardini in his *Descrittione di tutti i Paesi Bassi* called a perfect form of constitutionally based *regnum mixtum* in the southern cities – thanks to the medieval privileges:

. . . such a way and form of government collected and mixed of monarchy, aristocracy and democracy . . . Such a government and state is very well organised, for the prince keeps his majesty, high office and status, and the people all according to status keep their freedom, security and tranquillity and that all results in concord and collective eternal peace which is hard to disturb.

(Guicciardini 1612: 127)

Antwerp had this form of government. For when he wrote about this city, he compared it to an ideal Polybian republic: ‘Antwerp has as her lord and prince the Duke of Brabant, margrave of the Holy Roman Empire, but with so many and great privileges, obtained from antiquity onwards, that she governs and rules herself almost in the way of a free city and republic’ (*ibid.*: 74).

There is, of course, a close link between this semi-autonomous political status and the commercial wealth of these cities, which in itself guaranteed a flourishing civic culture. But how did intellectuals from the Low Countries, under Burgundian-Habsburg government, define their commonwealth and state under the influence of civic humanism, and did they define themselves as virtuous citizens? This is a central question, since one of the most important assumptions of the present paper is that republicanism did not enter into Dutch political discourse with the Dutch Revolt, but rather that there had been a meaningful continuity since the civic humanism of the Erasmian era. The concept of citizenship we are looking for is the Ciceronian one, according to which a contemplative life of study is a necessary prerequisite for active political life. The true citizen is a politically active citizen who participates in and contributes to the general and public cause. He is by definition a virtuous citizen, because virtues can only be formed in political practice and participation. More specifically, he is active in three political domains. First, the true republican citizen participates in the government of the commonwealth, either of the city-state or in representative bodies of

the state; second, he is a soldier who fights for his fatherland; and third, he is concerned for the civic education of the community.

1. The Emergence of the Citizen

The medieval Dutch terms for citizen – *poorter* or *borger* (with *oppidanus* or *civis* as the Latin equivalents) – indicated the inhabitant of a *burgus*, *oppidum* or *civitas* who enjoyed a certain juridical protection through privileges. It was a juridical status which remained in existence till the end of the *ancien régime*. In the fifteenth century, the term became more and more a social distinction, for it was only those who enjoyed a certain financial position and were able to pay their taxes who enjoyed the privileged juridical status of citizens. We accordingly find a distinction, in charters and chronicles, between *divites et potentes* and *pauperes et impotentes*.² Although in the fifteenth century the term *civis* acquired a certain social prestige, within the juridical group of *cives* there always remained a marked social difference, with the *cives* ranging from city nobility and patricians through skilled craftsmen and artisans to poor teachers. The common distinction between these citizens, however, and the *vulgus* or *vulgares cives*, was always the lack of juridical protection of the latter as against the privileged status of the former. Nevertheless, the question of political participation in the commonwealth never emerges as an issue in these juridical documents, and it is therefore often assumed to be completely absent until the French Revolution (Muller (ed.) 1902: 1904).

The vast literature in Dutch, which originated in the cities of the Burgundian-Habsburg Netherlands in the late fifteenth and early sixteenth centuries, has been interpreted as a prototype of civic culture which tried to come to terms with itself and find its own identity. It is, however, a very eclectic literature with themes borrowed and adapted from court, monastic and folk literature, and it is difficult to characterise as typically bourgeois or *burgerlijk*, as has often been suggested (cf. Pleij 1994: 66-75). This literature in the vernacular does not deal with the citizen as a free man who is politically active within the body politic of the city, and therefore we may leave it at that. The concept of citizenship within the urban spheres of the Burgundian Netherlands seems to have acquired its Ciceronian clarity under the influence of civic humanism. But the impact of this moral philosophy came rather late, and its vestiges, in the form of treatises, are few. Within the limits of this paper I will concentrate on whom we can take to be

2. Verdam 1911: 595-7 ('poorter') and 1380-1; Blockmans 1983; Moorman van Kappen 1986.

the most innovative writers, Canter, Erasmus, Grapheus, Biesius, Cassander, De Damhoudere and Goethals (Goethalsius).

The influence of civic humanism in the Netherlands seems to have started only in the 1490s, with Jacobus Canter's *Dialogus de solitudine* as the earliest evidence. Jacobus Canter – son of the Groningen lawyer Johannes Canter, who made his household into a Latin-speaking one, servants included – probably wrote his dialogue on solitude in 1491 while staying in southern Germany on his way to Italy (Ebels-Hoving (ed.) 1981: 19–20, 35–6). Canter's dialogue deals with the much wider problem of the controversy between the *vita activa* and the *vita contemplativa* which had been discussed in western thought ever since Aristotle's declaration that man is a social animal. Canter's argument forms a Ciceronian recommendation of the civic life, a life of service to the community, a life loved by the wise man who is mentally nourished and comforted by self-chosen, contemplative leisure (*ibid.*: 36). In the eloquent contest between Hyppolitus, the defender of solitude, and Philodemus, the advocate of the active civic life, the latter has the strongest arguments and, in the end, he happily declares his victory over his fellow citizen.

Canter's arguments for civic life are relevant for political discourse in the Burgundian Netherlands in three respects. His praise of the city – he uses the word *urbs* – is based on the Ciceronian argument that the city is the only community – here he uses the term *civitas* – which guarantees freedom from servitude, in other words, civic liberty. Civic liberty is in harmony with nature, for the cities create a protected and civilised life which enhances the well-being of all their inhabitants.³ These ideas on citizenship are elaborated only for those who, according to Philodemus, are supposed to rule: those who, trained in the *studia humanitatis*, manage to rule the *civitas* in wisdom and dedicate their *vita activa* to the service of the community (Ebels-Hoving (ed.) 1981: 159, 163, 179).

Canter's treatise is a rare one in the Netherlandish humanism of the late fifteenth century. The theme is only picked up again towards the middle of the sixteenth century, as far as we know, and then in the southern Netherlands. The prevailing thinker of the intermediate period was of course Erasmus, and as his ideas have been so well studied I will deal only briefly with him here. Erasmus's concept of citizenship was very influential, however, and of course it remained linked to the prince and the concept of *humanitas*. The aim of Christian *humanitas* is a better society, one in which we find

3. Ebels-Hoving (ed.) 1981: 107–9. See also the chapter epigraph, p. 107.

better citizens but particularly a better prince. With Aristotle, Erasmus distinguishes between the tyrant as someone interested only in his own profit, and the prince, or king, as someone concerned for the state (Erasmus 1986: 222). They have opposite concepts of citizenship:

Those citizens who are distinguished for their moral quality, judgement, and prestige are held in suspicion and distrust by the tyrant, whereas the king holds fast to them as his helpers and friends.⁴

The good king has a sense of, and feeling for, his community, is a citizen among his citizens, and considers it a privilege ‘to rule over free men with their consent’ (*ibid.*: 232). Whatever a good ruler does, he does for the benefit and good of the *universis civibus* (*ibid.*: 159). On his prudence depends the *publica felicitas*, and the peace and well-being of the free citizens (*ibid.*: 162, 160).

Although Erasmus’s ideas on citizenship are universal, rather than urban or national, he has been, from a totally different perspective, of major importance for the development of ideas on national citizenship in the Netherlands. For in his adage *The Batavian Ear* (1508), he first formulated the idea of the Dutch *natio* as Batavian, and of its civic greatness since antiquity. This has to be mentioned here for it is with the beginning of the Batavian myth that the idea of the founder of the Dutch nation, *Baeto*, is introduced, not as an hereditary king but ‘the most virtuous citizen of all his free and most noble people’ (Tilmans 1992).

As counsellor of the prince and educator of the aristocratic elite, Erasmus can hardly be expected to have elaborated on the tasks of the citizen other than that of the educated man being a tutor of the politically active elite. Education and learning are, in Erasmus’s view, for the public good. It is, however, only a small, male and mainly aristocratic elite which has access to education and political power. We cannot make a republican humanist out of him. At the same time, however, he seems to have had a great passion for the cities of the Netherlands, especially those in the south, where he lived and worked for many years.⁵ It is in fact here, in the rich, urban part of the Burgundian-Habsburg Netherlands (mainly Flanders), that the cities are first represented as autonomous republics with free citizens. It is from there that we have to look towards the mid-sixteenth century.

4. Erasmus 1986: 224. An interesting adaptation of Sallust, *Catiline* where he says this of kings.

5. For example in his correspondence (1525) with the Bruges patrician and politician Leonard Casembroot, Erasmus famously compared the city of Bruges with the antique republic of Athens, a comparison much quoted thereafter: Allen 1926: 190, ep. 1626.

The most interesting sources for the representation of the cities as independent entities within the Habsburg Empire are the humanist descriptions of the inauguration in 1549 of Philip II (son of Charles V) as the new sovereign in the southern Netherlands (Arnade 1996; Soly 1984: 351; Cauchies 1994:34). Of these the most famous is the description of the triumphant entry of Philip II into Antwerp composed by the city secretary, the learned humanist and poet Cornelius Grapheus. This appeared in 1550 in both Latin and Dutch, as *Spectaculorum in susceptione Philippi Hispaniorum principis divi Caroli V caesaris filii an. M.D.XLIX. Antwerpiae aeditorum mirificus apparatus* and also as *De seer wonderlijcke schoone triumphelijcke incompt van den hooghmogenden prince Philips prince van Spaignen, Caroli des vijfden Keyzers sone*. A propaganda piece for the monarchy, this treatise depicts Philip II as the new imperial saviour-to-be, the personification of *clementia* (Grapheus 1550, fo. 11^v), the unifier of all nations and countries. The nations are first of all those which are represented in the triumphant procession and which at the same time are inhabitants of the city: not only the local citizens, but also merchants from Spain, England, Germany, Florence and Genoa. All these different *nationes* prepare triumphant arches for the new prince. The countries represented comprise the Burgundian-Habsburg Netherlands (*ibid.*, fo. 1^{v-r}). What is also very interesting is the political programme of the six arches at the centre of the parade, installed and paid for by the city of Antwerp: first there is the representation of Philip II amongst four virtuous historical predecessors bearing his name: the martyr St Philip, Philip of Macedon (father of Alexander the Great), and of course his predecessors Philip the Good of Burgundy and his grandfather Philip the Fair. The next arch contains personifications of the nine Muses, who are rejoicing with the new monarch and treading under their feet various personifications of unhappiness and jealousy. Then there is an arch with personifications of the political blessings the city will receive under the new monarch: peace, freedom, concord, good government (*politia*), horns of plenty (*ceres* and *copia*) and flourishing industry and trade (*quaestus*). The enemies of these blessings – *mars, furia, rabies, tyrannis, discordia, annona, inopia* – are crushed under their feet. The remaining arches represent the unification of the Habsburg Netherlands, Philip II as the future emperor and ruler of the whole world, and lastly, Charles V and Philip II as the conquerors of the Turks. The message to readers – and, at the time, onlookers – is clear: the city of Antwerp forms part of the Empire but flourishes and enjoys political freedom as an independent entity within monarchical rule. Widely spread treatises like this, versed in classic humanism and cited again and again – for example, in Guicciardini's

Descrittione di tutti i Paesi Bassi (Guicciardini 1612: 72) – formed the political outlook of the citizens in the southern Netherlands. The republican citizen lay in waiting.

II. The Republican Citizen Established: Civic Humanism in the Southern Netherlands

In 1555, the year Charles V abdicated, a mirror of magistracy appeared in Antwerp. It was entitled *De Republica libri quatuor, quibus uniuersa de moribus Philosophia continetur*, and was written by the Ghent humanist Nicolaus Biesius, physician to Maximilian II, who dedicated his treatise to Cardinal Granvelle (Antoine Perrenot, alias Antonio Perrenoti).⁶ Any reader who, on the basis of the title, expects a pure plea for classic republicanism would be proven wrong. Biesius, a Catholic through-and-through – as appears already from his dedication to Granvelle – turns out to be a pragmatic monarchist. For him, *respublica* is synonymous with state, and very early on in his book he defines it as such: a communal way of life and order of the citizens of which the main aim is the welfare of the whole as a well-functioning body in addition to the welfare of the individual parts.⁷ There are three possible forms of organisation, the well-known Aristotelian triad: democracy, aristocracy and monarchy. The main aims of the state should not only be the material welfare but also the spiritual well-being of its citizens: the *respublica* is a political body *gratia Dei* and the magistrates of the state receive their power ultimately from God, and they should operate like good physicians who try to heal rather than amputate (*ibid.*, fo. 88^r). The magistrates are appointed by common consent. Consensus is the key word for the proper functioning of the *respublica*: *‘consensio quae conservatrix est tutissima civitatum’*, *civitas* being the collective city community of citizens (*ibid.*, fo. 6^v). Since democracy and aristocracy often lead to dissension, and an elective monarchy to corruption, the author’s plea is therefore for a hereditary monarchy: ‘For the task of monarch is by far the most prestigious among human affairs.’⁸

The consensus–dissensus political argument is new to sixteenth-century political discourse. Also new is the stress on political control of the monarch by elected magistrates and on the civic and military virtues which the republic

6. As appears from the dedication: ‘Ad illustrissimum et reverendissimum dominum D. Antonium Perrenotum, episcopum atrebatensem’.

7. Biesius 1556, fos. 8^v–9^r: ‘Verum ex iis quae iam diximus, scimus, Rempubicam nihil aliud esse, quam inter multos homines communem quandam vitae rationem et ordinem, in quo totius tanquam corporis bene compositi singulorumque patrium felicitas spectatur’.

8. Biesius 1556, fo. 7^r: ‘Officium autem monarchae longe praestantissimum est in rebus humanis.’

should enhance. The magistrates are chosen from among the citizens, they belong to the part of the *meliores* and *sapientiores*, and they see to it that the laws serve the needs of the citizens. Good laws are those that live in the mind of the people, the citizens, common law (*ibid.*, fo. 6^r). Ultimately, all magistrates, like the monarch, receive their power from God. The best magistrates are those who rely least on public money. There is a danger, in rich cities, that magistrates will profit at the public's expense, which is why only the most virtuous persons should occupy such positions. Public money itself is required for three purposes: to further the humanist education of boys (*ibid.*, fo. 12^r), to support the arts and architecture for popular education (*ibid.*, fo. 56^v), and to finance just wars (*ibid.*, fos. 93–8). These ideas imply that Biesius is a republican, and he argues at length for the necessity of a militia, consisting of indigenous citizens (*ibid.*, fos. 94–7). Of these, farmer citizens are better soldiers than city citizens. A just war is one which, first, aims to defend the houses of the citizens; second, enlarges the state of a virtuous *civitas*; and third, punishes unvirtuous neighbours or barbarians (i.e. non-Christians) (*ibid.*, fos. 93–4 and 98). With Aristotle he argues that a people may be subjected if they are deemed unworthy of liberty. *Defensio*, *recuperatio* and *punitio* are the reasons for a just war: war as a virtuous form of state action. It is these theories on war which we find again and again in the political thought of the seventeenth-century Dutch republic and on which Biesius seems to have had a lasting influence.

But Biesius also strikes the reader as being very modern in his ideas about civic education. When he talks about the private education of children, his themes are threefold: babies should be breast-fed by their mothers rather than by wet nurses, every child should receive an individual education tailored to his or her specific talents, and the education of future citizens is the responsibility of the state. This is the only guarantee that the citizens will find the correct function and position to serve the state community (*ibid.*, fo. 12^{r-v}). Private education develops in this sense into public education, for according to Biesius it is state money that should be the source of investment. With Plato he argues that the state should adopt every possible means to enhance popular education, and for this public art and architecture should also be used. First in priority come the citizen's religious duties, followed by public duties and, finally, private obligations (*ibid.*, fo. 57^r).

As appears from the above, Biesius uses humanist republican language within a Catholic monarchical theory. The argument is for a controlled monarchy, with control in the hands of a well-educated, elected magistracy. Like all citizens, both prince and magistrates receive their power ultimately

from God, and in the practice of ruling and decision-making they are bound by the laws and customs ‘which live in the mind of the citizens’. The aims of government are civic virtue, political liberty, popular education and Christianity. Identifying the Erasmian concept of *humanitas* with a Catholic political body, Biesius argues along the same lines as Erasmus in his *Institutio principis christiani*. Unlike Erasmus, however, his focus of political relevance is not so much on the Empire as on the Flemish city-states (*civitates*), both within and among which political stability is guaranteed through a controlled Catholic monarchy.

A more radical humanist republican plea can be found in Biesius’s Flemish near-contemporary, the Bruges lawyer and politician Frans Goethals (Franciscus Goethalsius). By the middle of the sixteenth century, Bruges was a fine and famous centre of Renaissance art and had a flourishing community of learned humanists (Brugge 1998: 22–5). Particularly famous was the painting *The Seven Miracles of Bruges*, attributed to Pieter Claeissens and dating from the 1550s, which represents seven public buildings of the city (*ibid.*: 218). Guicciardini depicted the government as an aristocratic republic in his *Descrittione di tutti i Paesi Bassi* and notes that those in power use good civic sociability and civic government in their state (Guicciardini 1612: 302). Near contemporaries of Goethals worth mentioning here are George Cassander and Joost de Damhoudere. The former wrote *Oratio in laudem Brugensis* in 1541 and the latter *De magnificentia politiae amplissimae civitatis Brugorum*, which was published in 1564. What ideas on citizenship do we find here? I will deal with these writers only briefly, for Goethals remains the more interesting.

Although both humanists acknowledge from the outset the sovereignty of the Habsburg prince,⁹ they also call the city of Bruges a republic, a *respublica* or *civitas*, with its own laws, institutions, mores and magistracy; in short, a *politia* with ‘authority and dignity’ (Cassander 1847: 13). George Cassander (1513–66) delivered his lecture in praise of the city at the opening of the *Collegium Bilingue* in Bruges in 1541, of which he obtained the first chair. The physical beauty (*corpus civitatis*) stands out and, combined with the virtue of its citizens and the excellence of its institution, reaches the stature of the ancient republic of Athens (*ibid.*: 9). Bruges (*Athenae Belgicae*),¹⁰ is an open republic, with easy access for strangers. There is no other republic where there is so

9. Cassander 1847: 13: ‘nostri vero legitimi principis imperium semper agnoverunt’.

De Damhoudere 1564 analyses the constitution of the Bruges republic within the history of the principedom of Flanders.

10. Erasmus used this term for Bruges in a letter of 1525: see note 5 above.

much care for the needy, the poor and the ill. This philanthropy is brought about by the civility of manners, the noble spirit of the citizens, and a certain splendour and elegance in manners and dress (Cassander 1847: 11). Cassander's strength lies in the appraisal of the importance of the *studia humanitatis* for this elegant city, especially the study of Greek, which completes the emulation of Athens. His political observations stop with the statement that the citizens of Bruges are tolerant and happy, thanks to the city's government and wealth. He says nothing about the dangers of luxury and corruption, nor about the tension in the relationship with the prince or with non-citizens.

Joost de Damhoudere (1507–81) was a lawyer and counsellor in the service of Philip II of Habsburg when he published his *De magnificentia politiae amplissimae civitatis Brugorum* in 1564.¹¹ He defines Bruges as a 'republic which in her laws and fame outpasses all other republics' (De Damhoudere 1684: 20). The essence of the republic is comprised in its institutions and magistracy. All citizens with a public function are dealt with here, and all the public institutions of the city are discussed (*ibid.*: 478–586). The body of citizens forms the magistracy which rules the *respublica* and, at a representational level, advises and controls the prince. This is in fact an aristocratic concept of citizenship. Although part of *De magnificentia* contains a physical description of the city with lists of all the public and religious buildings (*ibid.*: 3–19), the bulk of the treatise is devoted to a history of the origins of the government of the city, which is in fact the princely rule of the county of Flanders, leading to the contemporary monarchy of the Habsburgers (*ibid.*: 49–473). Charles V and his successor Philip are, in the eye of De Damhoudere, constitutionally controlled monarchs, with republics such as Bruges serving to safeguard urban privileges and with a ruling magistracy capable of checking and balancing monarchic rule (*ibid.*: 297).

When Frans Goethals decided to publish his ideas on the Bruges republic only two years after the treatise of De Damhoudere had appeared, he therefore followed a certain tradition in calling Bruges an 'ideal republic'. Goethals's republican ideas were set down in two treatises, both originally orations to the Bruges senate in 1560, and later published as *De foelice et infoelice republica* (1566) and *De domini distinctione* (1567). Born in 1539 the son of a well-connected Bruges patrician, Frans Goethals, and a very wealthy Italian, Catharina de Cioli, Frans Goethals was well prepared for an academic and politically active life. From his mother he inherited an estate which kept

11. I used the Dutch translation of the treatise, Amsterdam 1684.

him in comfort till late in life. He studied law in Louvain from 1557 to 1562, and then returned to his home town to fulfil various political functions. In 1562 he became a *raad* (councillor of the city magistracy), and that same year was appointed as the official secretary of the Bruges senate. In 1565 he became the solicitor of the senate, a function from which he resigned in 1567 in order to return to Louvain, apparently to become a doctor of law. It was during his active political years as a state solicitor that he wrote his treatises. After 1570 he led the life of a successful academic, first as professor of law in Louvain (until 1582) and then, until his death, in the politically more quiet Douai, where in his last years he became a professor of canon law and seems to have moved more towards religion and a contemplative life. He had a successful marriage to a noble lady for over forty years, until he got papal permission to divorce and became a canon of the prestigious Saint-Amé church in Douai. He was attacked for his Catholicism by such Dutch humanists as Janus Dousa, who called him a *craculus* (church crow); indeed, his Catholicism might well have been the reason why his political treatises failed to gain the attention they deserved in the northern Netherlands. He is, however, a fascinating political and intellectual figure, and might turn out to be a more important swallow of the Dutch republican summer than has so far been realized.¹² His influence on political thought stems mainly from the treatise *De foelice et infoelice republica*, which deals with the prosperity of a city-state or republic like Bruges, although he also wrote a second treatise, *De domini distinctione*, which was published a year later and was dedicated to Viglius ab Aytta. The latter treatise is on public and private property within the republic and on the relation with morality, itself an interesting subject which I discuss elsewhere.¹³

In the so-called Miracle Year of 1566, a treatise appeared in Louvain under the title *De foelici et infoelici republica, ad senatum Brugensem*. It was written by the lawyer and legal adviser to that same senate, Frans Goethals, and printed by Johannes Bogardus. Checked and approved by the Catholic censors, this treatise is the most radical plea for republicanism to be found in the Habsburg Netherlands. The term *respublica* here refers to the city-state, such as Bruges and Ghent, and these are, at the same time, the ‘happy republics’. What constitutes a *felix respublica*? The key words here are freedom, free commerce and self-ruling citizens. ‘Status eam felicem esse rempublicam quae stabilis

12. He is not included in Van Gelderen 1992, for example.

13. I discuss the treatise *De domini distinctione* in my contribution to the volume Martin van Gelderen and Wyger Velema (eds.), *Republic: History of Concepts in the Netherlands*, in preparation. Compare Brett 1997.

ac diuturna est' ('a stable and long-living state is a happy republic'), writes Goethals (Goethalsius 1566, fo. 23^r).

What constitutes happiness in a republic? There are five loci or factors which define the concept of *respublica* or *civitas* and therefore its fortune, and all are argued elaborately with historical examples and classic and humanist writings. They are greatness of name, magnitude of appearance, longevity, political freedom, and institutions, mainly based on moral citizenship (*ibid.*, fos. 1–2). The foundation of the republic has to be its political freedom, defined extensively in the treatise:

A city-state or region is therefore glorified for that reason, namely when it does not depend on the judgment of the superior who rules, who brings upon her what to do, or revokes or denies constitutional rights. Of this kind are the Venetians, who assert freedom and do not recognise a superior. This freedom stands out because she has this characteristic, the complete power to live as you wish, so that you are least bound by the demands of foreign princes, in short that nothing hinders you from living as you wish, except that when there is a contrary power you can resist that with force. In this way, however, the region is not free from laws; also here apply laws which are the soul of the republic, so that there will be peace, but in this way it has also to be accepted that the region itself with full and absolute power can make laws of any kind for the state of the subjects, the nature and claims of the time, to create offices, to declare war, to make peace, to build walls around the city, to be free of taxes and imposts, to indicate new import taxes (which according to Cicero are the force of the city-state), or to withdraw them.¹⁴

The greatest guarantee of stability and happiness in the republic is self-supporting industry. A state that can support itself with its own industry and manufacturing is a happy republic (*ibid.*: fos. 5, 15–22^r). This state is

14. Goethalsius 1566, fo. 2^r–v: 'Merito igitur hac ratione civitas vel regio celebratur, scilicet quod non pendeat ex arbitrio superioris qui imperet, qui ei iniungat facienda, aut constituta revocet et rescindat. Tales sunt Venetiae, Veneti enim praetendunt libertatem, nec agnoscunt superiorem. Hoc autem praestat haec libertas, quod ei proprium est, plenam scilicet potestatem vivendi ut velis, ut externorum principum placitis minime alligeris, denique ut nihil tibi obstet quo minus vivas ut velis, nisi sola vis cui contraria resisti potest. Huiusmodi tamen regio non est soluta legibus, valent enim ad hoc leges (quae sunt anima civitatis) ut in pace vivatur, sed hoc sic accipiendum est, huiusmodi regionem ipsam sibi ex plena et absoluta potestate, omnigeni generis leges statuere posse pro subditorum qualitate, natura, et exigentia temporis posse creare magistratus, bellum movere, pacem facere, civitates cingere muris, liberum esse a tributis et exactionibus, nova vectigalia (quae secundum Ciceronem nervi sunt civitatis) indicere ex causa pro libito, eademque cum placuerit, abrogare et derogare posse.'

long-living and stable thanks to the employment of only its own citizens. ‘Only its own citizens and city-inhabitants know the same religion, the same laws, the same customs, the same rights, and moreover they have a natural love for their fellow-citizens and for their fatherland.’¹⁵ A natural consequence of this reasoning is a xenophobic argument: a happy republic keeps out immigrants as much as possible. On foreign craftsmen Goethals writes: ‘And their mind is most easily estranged from local citizens, for they have a different language, character and temper from our citizens and they maintain a family elsewhere.’¹⁶ But commerce, even self-controlled, entails the danger of too much money coming in and too much public wealth building up. Excess richness is bad for the republic; modesty is the key term (*Ibid.*, fo. 34^v). This is also true for the number of citizens. That is why our republic of craftsmen, moderate in quantity and united of mind, is the superior.¹⁷

This *respublica opificum* (republic of artisans) also provides its citizens with a reasonably happy existence. The politics is one of reason and virtue. At the end of the day, however, it is only the justice of God that counts. But it is also a humanist republic in the sense that it provides public education. In his introduction, Goethals opposes two gods of protection: Mercurius and Minerva. He then chooses Minerva as protectress of the Brugian republic and senate, in the hope that the government will enhance the study of wisdom and the *studia humanitatis*. Latin schools should be established, since the education of the people is crucially important for the well-being of the state (*ibid.*, fo. 4^{r-v}). From the choice of protective goddess, we can already infer that the happy republic is not an aggressive, military one. Commerce provides internal stability, and so military activity should in practice be limited to military aid to the prince. Excellent, small militias made up of farmers and citizens, provided and commanded by the city-states, are required, and hence no heavy taxes are needed to provide the prince’s own troops (*ibid.*, fos. 35^r and 38^r).

The political message of this treatise on the happy and unhappy state is also very clear: the city republics have, historically speaking, *imperium in regno*

15. *Ibid.*, fo. 24^r: ‘Nam opifices moechanicae indigenae, educati in una regione inter quos leges et mores iidem constituti, tum iuris aequa descriptio certaue vivendi disciplina per quas bene beateque vivitur, quibus denique est par genus, similis lingua, communis usus, cultusque vitae, hi naturali amore afficiuntur erga concives et patriam, quia simile gaudet simili, et aequalitas, ut est in proverbio, est altrix et nutricia pacis.’
16. *Ibid.*, fo. 28^r: ‘Et facillime eorum animus ab indigenis alienatur, cum sit alterius linguae, naturae, conditionis, plerique etiam ex iis alio loco familiam alentes.’
17. *Ibid.*, fo. 46^r: ‘Praestantior ergo nostra respublica opificum, in qua est mediocris hominum multitudo et animorum unitas.’

suo (sovereignty in their own territory). The successful republic is free and independent, as we saw in Goethals's definition of political freedom.¹⁸ It is here, in a legal argument similar to that of Bartolus of Sassoferrato, that Goethals comes closest to a plea for classic republicanism.¹⁹ Venice is such a city-state, Goethals argues, Athens once was one, and in the Holy Roman Empire others acquired a similar status. Political liberty or independence is ineluctably linked with economic autonomy: 'Bruges, not without reason, boasts about the privilege often confirmed on her, that the Bruges citizen and his goods are free from tolls and levies over almost the whole region of Flanders.'²⁰ Bruges has a constitutional, legal freedom (*ius libertatis legitimae*). In other cities, which are ruled by the prince or king, citizens do not enjoy this freedom nor the natural right to it.

Although the writer likes to stress the privileged position of his own city-state as compared to other cities within the principedom, the political argument in the treatise favours the general limitation and control of princely power. The criticism of princely government applies to three areas: propaganda, public spending and the practice of warfare. The purpose of public art should not be to show off princely power or to represent a big empire; a happy republic must keep the public domain and the arts for the virtuous education of its citizens (Goethalsius 1566, fo. 30^r). We have seen the danger of wealth and richness in the happy commercial republic. According to Goethals, the greatest danger, apart from the moral corruption of the citizens, lies in the enlargement of the public treasury, which, as a consequence, leads only to misuse and abuse by the prince:

Where there exists a large public treasury of whatever money, often there is useless spending on buildings, on ordering new things, on giving out large gifts and spending in other ways, which otherwise would have been better arranged, if the treasury were more tight. As far as this is concerned, a prince is certainly more inclined and more in favour of a large treasury, by relying on new taxes.²¹

18. *Ibid.*, fo. 2^r: 'Merito igitur hac ratione civitas vel regio celebratur, scilicet *quod non pendeat ex arbitrio superioris qui imperet*, qui ei iniungat facienda, aut constituta evocet et rescindat.'

19. Skinner 1978: 1, 9–11. Cf. Coleman 2000: 209–10.

20. Goethalsius 1566, fo. 3^v: 'Gloriantur Brugae nec immerito de privilegio saepius sibi confirmato, quo civis Brugensis eiusque bona per omnem fere ditionem Flandriae a portoriis et vectigalibus libera sint.'

21. *Ibid.*, fo. 35^r: 'Ubi existit amplum aerarium publicum quid sit numi saepius inutiliter consumuntur in aedificationibus, in parandis novis rebus, in conferendis largius donis, et aliis modis, qui alioqui melius collocarentur, si tenuius esset aerarium. Adhaec princeps certior factus ampli aerarii pronior est in novas exactiones indicendo.'

Use of the republic's public finance to raise foreign military troops is a waste and an abuse of public money: to fight a successful war only small militias of excellent warriors and the citizens – especially the farmers – of the republic are needed (*ibid.*, fo. 38^{r-v}). But public money should mainly be used for civic education, that is, for the building of Latin schools.

The treatise of Goethals is a fine example of classic republicanism with a strong economic and legal argument. Ciceronian virtue we find everywhere. That state is happy which is built on virtue: 'Therefore not the presence of proud buildings, nor high walls make a city famous, but strong excellent men and cultivators of virtue.'²² Virtue of the people will be achieved through religious training and civic education. The state should support the *studia humanitatis* through the founding of literary academies. As ancient centres of learning, Goethals praises Athens, Alexandria and Rome; of the modern universities, he mentions Paris, Pavia, Bologna and Louvain. Not riches but virtue counts in private and public life, achieved through humanist learning: 'Therefore every cause and public and private action should not be intended for wealth, glory and power, but should be aimed internally for justice or virtue.'²³ It is also a patriotic republicanism in the sense that the *civitas* is defined as the *patria*; the collectivity of the citizens is the nation, and all members of other nations are seen as threatening and are to be kept away.²⁴ The organisation of government is obviously in the form of an aristocracy – or, rather, oligarchy – ruled as it is by the senate of the town, consisting of the main industrialists. There is a long piece on the magistracy of the republic, which, according to Goethals, should consist of local artisans and industrialists and should keep out, at any cost, foreign merchants (Goethalsius 1566, fo. 29^r). A republic dependent on foreign trade falls into *servitus*, by which he means that it comes under the legal and economic power of other nations or states and hence is politically unfree.²⁵ The main aim of the republic's government is to provide for the best artisans possible, if necessary being trained elsewhere in the better skills, which can then be brought home (Goethalsius 1566, fo. 52^r). The legislators should warn citizens against any foreign intrusion. The happy republic is not an aggressive but a defensive and conservative

22. *Ibid.*, fos. 3^v-4^r: 'Siquidem non adesse superbae, non alti muri urbem praeclaram faciunt, sed homines fortes praestantes ac virtutis cultores.'

23. *Ibid.*, fo. 4^r: 'Ideo omnis res et actio publica et privata non ad copiam, gloriam et potentiam sed ad iustitiam sive virtutem penitus est referenda.'

24. Although religion is not an issue in this treatise, Goethalsius's xenophobia might also be related to the Catholic fear of religious dissent and political unrest among immigrants in Bruges in the 1560s: see on this Decavele 1975: 163-6.

25. See Skinner 1998: 42-6 on the contrast between civil liberty and slavery in neo-Roman political thought.

one, intent on maintaining the stable status quo in legislation and practical politics. Its government should be very wary of the Empire because it was this, mainly under the government of Charles V, which destroyed the free rule of the once celebrated ancient inhabitants of Belgium, the Morini (*ibid.*, fo. 42^v). The happy republic looks after the old and the sick and maintains the Catholic religion. Having said all that, concludes Goethals, any reasonable human being would wish to live in such a city-state.²⁶ In its radical plea for republicanism and popular education, the ideological weight of Goethals's *De foelici et infoelici republica* can hardly be overestimated. It might well have influenced the establishment of the popular Ghent Republic of 1587.

III. Prelude to the Dutch Republic?

Civic humanism in the Burgundian-Habsburg Netherlands starts out at the end of the fifteenth century as humanist rhetoric in praise of the cities. But in the course of the sixteenth century, it turns into republican rhetoric, entailing a moral philosophy committed to changing the body politic. Goethals is the best example so far of this republican language. It appears, therefore, that there is a strong continuity of civic or republican discourse extending from the sixteenth- to the seventeenth-century Netherlands. The ideological force of sixteenth-century civic humanism in state formation seems so far to have been underestimated.

We have seen that civic humanists discuss different levels of citizenship, i.e. urban (Canter, Cassander, Grapheus), universal (Erasmus, Biesius), aristocratic (De Damhoudere), and republican (Goethals). At the core of humanist discussions on citizenship lies the concept of civic freedom. In the ideas on both aristocratic and republican citizenship we find a prevalence of what Skinner has called the neo-Roman concept, for the citizens were in theory and law dependent on a prince but in daily practice were free from interference and free to act at will. The cities applied the right of political representation. As a rule, it seems that political representation in the Burgundian-Habsburg Netherlands was correlated with political power. The cities as such were, juridically speaking, civil societies with political power. In this view *imperium* could therefore be seen to be under the control of a city. Representation was closely connected with property and freedom – freedom implying the privileged juridical position of non-interference or non-coercion from the

26. Goethalsius 1566, fo. 52^v: 'His autem ita constitutis, nemo sani iudicii non optaret summis votis in huiusmodi civitate vivere.'

side of the monarch, and in the end an existential position on a daily political basis. Notwithstanding all internal divisions, local identity as a citizen of a particular city as a political entity appeared even stronger, as it was fed by rules and privileges which discriminated significantly against outsiders in all political matters. The intolerant and xenophobic argument of Goethals's concept of republican citizenship feeds into this legal practice of citizenship as a juridical privilege which excluded a number of groups from politics on the basis of sex, religion, lack of property, or nationality. It was only with the transition from republicanism as an urban theory to republicanism as a state theory within the new Dutch Republic that the redefinition of citizenship became possible. The concept of civic greatness of the Batavian *natio* proved a unique tool for defining citizenship at a 'national' level and defining the republic as a federation of free citizens.²⁷

27. More on 'The Batavians: Mythical Fathers of Dutch Republicanism (Van Gelderen and Tilmans) in Hans Bödeker, Ivo Comparato and Catherine Larrère (eds.), *The Founding of the Republic*, in preparation.

Civic Humanism and Republican Citizenship in Early Modern Germany

ROBERT VON FRIEDEBURG

I

Until the impact of natural law jurisprudence and the emergence of a positive public law in the second third of the seventeenth century, the role of civic humanism in German political discourse was shaped by three basic developments. From the 1460s, Cicero's *De officiis* became a prime source to describe the nature and duties of government in general. The office of magistrates was thus described not least in terms of the virtues of Cicero's citizens. Printed in 1465 in Mainz, *De officiis* was among the first books popularised by the new printing press (Dyck 1996: 41). Germany was second only to Italy in the number of *incunabula* Latin editions of Cicero (Jones 1998: 18) and clearly ahead of France and the Netherlands. The Lutheran reformation rather reinforced this influence. The central figure for the combination of Lutheranism and humanism in Germany was Philip Melanchthon, professor of Greek at Wittenberg University (1497–1560; Scheible 1997: 90–5). He commented extensively on *De officiis* and used the Lutheran distinction of law and gospel to elaborate the meaning of law and civil order with respect to classical sources, primarily Plato, Aristotle and Cicero. He defended Cicero's emphasis on the connection of eloquence and wisdom (Maurer 1967–9: II, 87–9) and treated his account of the Christian law of nature primarily in terms of classical philosophy (Maurer 1967–9: I, 295).

Accounts of government and magistrates in the Empire were first and foremost developed in towns and by townsmen. Urban government led and deeply influenced the practical development of government and reflections on the growth of government, both in the Empire and the territories. Thus, in his 1501 treatise *Germania*, Jacob Wimpfeling addressed the issue of justice in government by writing about 'justice in the city' ('De iustitia in civitate/Von

der Gerechtigkeit in der Stat') and the responsibilities of the 'senate' in order to describe the internal order of Germany and the importance of counsel (Hammerstein (ed.) 1995: 44–51). The contemporary term for reflections on the art of government therefore became *prudencia civilis*, civic prudence.

Government in German lands described in these terms was part of an elected monarchy. Neither the elected king nor princes, noblemen or patricians could claim to be endowed with their powers directly by God. None, for instance, could heal scrofula like the kings of England and France. Likewise, despite their legal responsibilities toward the maintenance and defence of the church, none could claim to be the head of the church as Henry VIII of England had done. Both patriarchalism along the lines of Hadrian Saravia or Robert Filmer, and divine right monarchy in the sense developed in France, remained fringe phenomena because they were difficult to square with the constitutional realities of the Empire. Contemporary accounts of politics agreed that fallen men needed order and that God had instituted the *office* of magistracy to this end. But it was equally evident that the men in office were themselves either chosen by men or at least bound by positive law and custom (Dreitzel 1991: 490–503). Princes, noblemen and patricians were thus viewed as magistrates who in turn should act in the manner of virtuous citizens. From the humanist impact on Germany during the fifteenth century until the 1660s, the office of these magistrates and the virtue expected of them was not least described in terms of civic humanism. In particular, leading urban patricians and local members of the territorial magistracy participated in a culture of urban Protestant humanism that cherished civic values and classical rhetoric and praised fellow-magistrates in such terms. They focused, however, on the magistracy as virtuous citizenry, not on urban dwellers as such (Kühlmann 1994: 109–17; Friedeburg and Mager 1996: 169–77). Civic humanism therefore offered an ethical model for rulers like noblemen, patricians and inferior magistrates alike on the many levels of government of the Empire, not a countermodel of self-rule meant to oppose monarchical order in fundamental terms.

Three developments undermined this role of civic humanism. At least from the second third of the seventeenth century, the positive public law in the Empire and the territories consolidated into an increasingly independent discipline. It attempted to understand the rights and duties of men in society in terms of what had been empirically set in the many codes of law in the Empire. By focusing on the empirical diversity of local and regional law codes, this emerging positive law clearly recognised that some urban inhabitants were truly ruling and governing, while others were simply

subjects despite their denomination as ‘citizens’. The distinction between the terms ‘citizen’ and ‘subject’ thus became blurred or irrelevant. The term ‘citizen’ was increasingly used to describe burghers in territorial and imperial towns with a wide variety of specific rights and duties rather than to allude to the virtues of Roman citizens. For instance, already in his *Collegium politicum* of 1619 the Hesse-Darmstadt and Lutheran university of Giessen professor Christian Liebenthal devoted a whole chapter to the meaning of *civitas*, *cives* and *res publica* in the actual law codes of his time (Friedeburg 1999). He discussed urban citizenship in terms of the various specific degrees of rights and privileges of urban dwellers in their respective corporate bodies (Liebenthal 1619: 153–63, §§38–73). Conversely, the notion of the citizen as someone ruling himself began to be used to denote only the noble families represented at the imperial Diet. Likewise, while Italian accounts on urban civility, such as Stefano Guazzo’s *Conversazione civile*, did make an impact in Germany and inspired such works as Johannes Althusius’s *Conversazione civile* of 1601, the latter work did not specifically address urban dwellers as such (Bonfatti 1979: 58, 152–3). Rather, it addressed the groups of courtiers, urban patricians and inferior territorial magistrates that had been emerging in the rising territorial states of Germany. Thus, from the later sixteenth century concern with territorial magistrates began to absorb the occupation with classical precedents of *vita civilis* and *vita activa* and separated them from the issue of self-government.

Further, writing about government shifted from towns to universities and from town councillors to the counsellors of princes. With the rise of the territorial state, the urban context ceased to set the precedent for the exercise of government. To describe and analyse the practice and aims of government, different genres of arguments on politics had emerged by the end of the sixteenth century. Most of them had little use for civic humanism. The ‘Mirror for Princes’ genre primarily insisted on the importance of Christian piety as the basis for good government. Within the more academic style of writings generated in the universities, the *politica christiana* likewise emphasised evidence from scripture to describe the true nature of government. ‘Political Aristotelianism’ shifted analysis from *civitas* to *res publica* and analysed the defence and upkeep of order rather than the virtues of citizens. ‘Tacitism’ stressed strategies for princes in the struggle for political survival (Dreitzel 1991: 473–567). To some extent, however, the proponents of yet another genre still used the language of virtue and citizenship. These ‘German monarchomachs’ specifically insisted on the rights and privileges of

territorial estates in Germany (*ibid.*: 529–32). Their main aim was to defend these rights against the claims of territorial princes. To this end, they marshalled a diverse number of arguments from custom, positive law and scripture and emphasised the constitutional character of government both in the Empire and in the territories. The defence of law and custom that bound the prince therefore remained a feature of their writings. Against this background, they addressed the territory of the prince as the *fatherland* of all true believers. In this vein, its subjects became citizen-patriots. This argument emphasised their duty to defend the law and custom of their fatherland. The Protestant territory was thus understood as the community of believers. The duties of subjects and the virtues of citizens were merged into recipes for patriots. The phrase ‘resisting subjects, citizens and those loving the fatherland’, derived from a letter of Cicero to his brother during the civil war against Caesar, became a standard term (Althusius 1932, ch. 30, §48; König 1619, ch. 16, §61) to indicate the duty to defend the *leges patriae* even against the prince himself. To this end, the virtue of citizens was transformed into the duty of patriots and became part and parcel of the argument of the German monarchomachs (Friedeburg 2000, 2001). During the manifold conflicts between princes and territorial estates from the later sixteenth to the second third of the seventeenth century, writing about the struggle against tyrants and the virtues of citizens was thus still informed by civic humanism, if in the guise of patriotism.

Finally, by the last third of the seventeenth century, the defence of custom and positive law was increasingly bolstered by the emerging language of natural jurisprudence. By the later seventeenth century the ethic of civic humanism was replaced by the rights of subjects derived from an original contract. Claims for taking part in government were put in terms of positive law and custom and bolstered by assumptions about such a contract. Nowhere is that more obvious than in the reception of Algernon Sidney by Gottfried Samuel Treuer in his attack on absolutism in 1719. Despite his reference to Sidney, Treuer primarily defended German constitutionalism as enshrined in the law and custom of German lands and the natural rights of subjects protected by a contract from a state of nature. To Treuer, natural law jurisprudence, the contractual basis of government and the natural rights of men informed the rights of German subjects. Therefore, the terms ‘citizen’ and ‘subject’ became interchangeable, for both bore similar allusions to rights and duties and lost their specific association with active political participation and civic virtue (Mager 1990).

However, even the triumph of natural law jurisprudence and public positive in the Empire and the territories did not stamp out classical civic humanism altogether. Rather, the issue of active citizenship was transformed in the further development of patriotism in the writings of Pufendorf and Leibniz. It re-emerged in speculations about that organisation of government that would allow all subjects fully to accomplish their potential abilities as men and citizens. Writers such as Thomas Abbt and Johann Georg Friedrich Feder (Abbt 1766; Feder 1782) speculated about the need of every citizen to serve the public good. By that time, however, the idea of man, citizen and subject had been transformed by the later Enlightenment.

During the sixteenth and seventeenth centuries, civic humanism informed rulers and governors at all levels of government and instructed subjects in their duties as patriots and citizens. In what follows, the development of civic humanism in cities (II), its connection to patriotism and transfer to territorial magistrates (III) and its role within the academic genre of the *Politica* of the seventeenth century will be described more closely.

II

In his *Ritratti delle cose dell'Alamagna*, Niccolò Machiavelli argued that the power of Germany was based on its cities rather than its princes. Indeed, Germany had a considerable number of large towns with wide jurisdictional rights compared with most other kingdoms (Friedeburg and Mager 1996). A case in point is Nuremberg. This free imperial city with approximately 50,000 inhabitants at the beginning of the sixteenth century (Schindling 1989) was famous for its wealth, its independence and for its humanists who contributed extensively to the Renaissance culture of Nuremberg around 1500. Moreover, the fact that it was run by a close-knit urban group of families of patricians who imagined themselves according to the republics of Rome and Venice makes it a good example of urban civic humanism.

A core example of Nuremberg civic humanism is the book that the German arch-humanist Conrad Celtis dedicated to the town in praise of its laws and history. He describes its patricians as *senatores* and *praetores* (Werminghoff 1921). In the first edition, Celtis distinguished between the artisans and the honourable citizens of Nuremberg. In the second edition, he writes about the artisans, the honourable citizens and the patricians (*ibid.*: 181). Among the *patres* of Nuremberg, Celtis still distinguishes between members of different degrees and legal status, among them the particularly

privileged old families (*honestiores familiae*), the élite council of the patricians (the *senatores*) and the larger council of members selected by the former élite council (*ibid.*: 183). Celtis is explicit about the danger emanating from the seditious common people within the town (*ibid.*: 185–6). Artisans were thus addressed as *plebes* and not deemed part of the citizenry. Indeed, Nuremberg patricians had successfully suppressed any attempt by the local artisans to form guild organisations that could have challenged the power of the older families. The patricians vehemently prevented attempts at constituting any legal body within the city walls that might challenge their rule. *Patres* and *plebes* were, as Celtis pointed out, clearly separated and did not intermarry (*ibid.*: 182). Indeed, only the *patres* ruled themselves, for they had sole responsibility for *leges et summum ius* (*ibid.*: 182). In his epistle of 1516 on Nuremberg Christoph Scheurl explicitly stressed that ‘our whole common wealth is in the hands of the patricians . . . newly arrived and plebeian inhabitants do not rule . . . no one is thus accepted for the senate, unless a member of the families wearing the toga’ (*ibid.*: 217–18).

Not just the senate, but all other offices of the imperial city of Nuremberg were described in terms of aristocratic rule in the Republic of Rome. The patricians were understood, as natural persons, to constitute the legal person of the body politic. As a whole group the patricians could thus identify themselves with the legal person of the city in the sense of contemporary legal reasoning on the representation of corporations. Since Nuremberg was subservient to the emperor only, the patricians could conceive themselves as a *civitas sibi princeps*, ‘a city that was a prince to itself’. Already by 1441 Johannes of Segovia had distinguished a number of modes of representation, among them *representatio potestatis* and *representatio identitatis*. The former conceptualised actions of a guardian in behalf of a minor or of a corporation by its leading officer and could be brought into line with the argument of the relation of the head and the body in any realm. It was used to explain the ability of the supreme magistrate to act on behalf of the body politic. The latter worked from a *pars pro toto* argument (Hofmann 1974: 211; 1988). These *patres* as a group were thus the city and were thus endowed with the same capacities for ruling others as the nobilities and princes outside the city walls.

In Celtis’s account, two characteristics qualified these *patres* to rule. On the one hand, Celtis considered the urban Nuremberg *patres* by reference to the ‘Greeks’ as an aristocracy of ancient families, holding power by virtue of noble privilege (Werminghoff 1921: 182). On the other hand, while the common people of Nuremberg needed the force of the law imposed on them by

way of fines and penalties to punish their misbehaviour and keep them under control, the *cives ingenuos*, the *patres* of Nuremberg, did not need such rule over them in order to obey the law. Rather, pious exhortation among them had kept alive their awareness of their duties as citizens and of the administration of justice and charity both in the past and in the present (*ibid.*: 186).

The importance of justice and charity as core concepts of good rule is reinforced by a woodcut from Albrecht Dürer on the theme of *sancta iustitia*. It is to be found on the reverse of the title page of the 1522 edition of the *Reformation der Stat Nüremberg*. In this woodcut, *Iustitia*, combining the sword and weighing evidence and circumstances, is shown alongside *Caritas*, emptying her coin-laden purse over the coat of arms of Nuremberg (Zapalac 1990: 76). Nuremberg's civic humanism combined an emphasis on civic virtue – namely on the virtue of citizens not needing the force of law to bind them to it – with an effort to elevate the urban citizenry to the rank of an aristocracy, possessing a 'coat of arms displaying the ancient glory of their families' (Werminghoff 1921: 182). Nuremberg citizens were thus alleged to possess both the moral capacity to rule themselves and the legal privilege to rule others. As a group, they *were* the *civitas sibi princeps* and thus shared in the dignity of the nobility and princes outside the city walls who had similar powers to rule over subjects.

The iconography of council rooms in imperial cities throughout Germany reminded counsellors and patricians of this reasoning whenever they sat together to talk about the government of their town. This iconography reminded the citizens not only of the general need for justice to run a body politic, but of their own responsibility to uphold it. For example, images of the story of Herkinbald, who stabbed his nephew because he had attempted to evade the execution of a court sentence on him, were displayed in the counsellors' rooms in Cologne (1507–10), Nuremberg (1521) and Bern (1536) (Meier 1996: 359). Similarly, the history of emperor Trajan giving to a widow, whose innocent son had been executed, his own son for redemption was depicted in images in Cologne (1507–10), Bern (1485–90), Nuremberg (1521), Ulm (1540) and Regensburg (around 1573). In similar vein, in Regensburg a panel reminded the *Senatores* to put the common good above their private sentiments (Zapalac 1990: 75). In many illustrations, the concept of counsel was given additional political dignity by allusions to classical political reasoning, such as at the Lüneburg *Gerichtslaube* in 1529 and in Emden. In the latter Brutus, the first Roman consul after the expulsion of the kings, was depicted saying that *utilitas* was the mother of justice and equity (Meier 1996: 363).

The most important part of the iconographical programme of council rooms, however, were representations of struggles for the common weal. They reminded the audience that he who died for the republic would live forever. In Cologne images of Judith, the widow of Bethulia, who saved Israel against Nebuchadnezzar, was particularly popular. In 1515 the new Nördlingen citizen Hans Schaefflein was asked to paint a scene depicting this topic in the 'Federal Room' (*Bundesstube*) of the Nördlingen mayor's house. It displays Bethulia and Judith with the head of Holofernes. Together with Brutus Judith also figured in depictions of liberty (*Freiheitstafel*) displayed at Strasburg and painted by Sebastian Brandt (Meier 1996: 362–9).

The duties of citizenship were not least formulated with respect to the issue of fatherland, the duty to die for it and the representation of this fatherland in urban iconography. In the Cologne 'Room of the Hanseatic League' (*Hansasaal*), prophets and classical philosophers exhorted the citizens to die for their fatherland (Meier 1996: 364). That fatherland remained more often than not described in aristocratic terms. Nuremberg humanists like Willibald Pirckheimer compared Nuremberg and Venice in respect of their commerce and mercantile wealth and the similarities of the administration of both republics. Indeed, in 1506 the Nuremberg patricians asked Venice to send them a copy of their laws regarding guardianship with a view to adopting them (Werminghoff 1921: 222).

Aristocratic leadership also figured prominently in Celtis's account of the Nuremberg republic, run by patricians and *optimates*. When it came to illustrating the struggle for the common weal, such illustrations concentrated on the heroes of classical antiquity such as Hector, Alexander and Caesar, Old Testament leaders such as Joshua, David and Judas Maccabaeus and Christian monarchical or aristocratic leaders such as Charlemagne, Arthur and Godfray of Bouillon. This choice of examples demonstrated that the urban citizenry understood themselves to be positioned at the top of a hierarchical society. As such, they had the right and ability to behave and act like other ruling groups. Thus, when in 1511 the citizens of Metz represented their status in a public ceremony, they appeared dressed as David and Hector, Julius Caesar and Alexander, Charles and Gottfried (Meier 1996: 365), for they, just as the Nuremberg patricians, conceived of themselves as the privileged group of citizens among the inhabitants of Metz. By virtue of *representatio identitatis* (Hofmann 1988a), the corporation formed by them was the *civitas sibi princeps* and they, as a group, were indeed similar to ruling aristocracies outside the city walls.

A number of these themes are reflected in an anonymous woodcut depicting an analogy of good government, printed for the 'Stat Nürnberg

verneute Reformation' in 1564. It was used as a basis for Johann Bocksberger the Younger's allegory of good government in the council chamber of the Regensburg mayor's house of 1564-73. On this woodcut, the female personification of *Res Publica* guards *Iustitia*, with sword and scales, *Pax*, sleeping at her feet, and *Liberalitas*. *Liberalitas* holds in her raised left hand an inverted purse that is simultaneously a beehive. Bees representing *concordia* hover around it, while coins fall out of it and into a tray in the right hand of *Liberalitas*, labelled '*pro merito*' (Zapalac 1990: 87-9). The *res publica* is shown twice, as the towers, walls and buildings making up the town in the background and as a legal person, depicted as the female *Res Publica* that comprised the urban corporation was.

This representation of the *civitas sibi princeps* shaped urban civic humanism in specific ways. For one, the citizens, those ruling themselves rather than being ruled, were meant to be a privileged minority of patricians, not all the inhabitants of a town. Even within the group of learned humanists who published in Latin and praised Nuremberg in terms of the Roman Republic, clear-cut distinctions pertaining to birth and aristocratic prestige remained vital. Leading humanists like Willibald Pirckheimer or Christoph Scheurl were themselves members of the patriciate. They felt clearly superior in rank and status to men like Conrad Celtis, learned and celebrated even by emperor Frederick himself, but of comparably humble origin and restricted means, constantly looking for steady employment and frustrated in his effort to obtain it in Nuremberg. Men like Celtis were not even as accepted as members of the regular staff of the Nuremberg humanist schools. Humanist learning and civic rhetoric were not meant to put aside the privilege to rule acquired by birth (Zorn 1976: 38-43).

The efforts of urban patricians to style themselves as an aristocracy of sorts have to be understood in the light of the tension between urban self-government and the rule of princes outside city walls that was rather heightened by the imperial propaganda of the later 1490s. This propaganda increasingly denounced the ability of persons without aristocratic rank to hold power and rule. The Swabian War between Maximilian and the Swiss federation of towns in 1498-9 had dramatically accentuated these tensions and intensified the propaganda challenging the capacity of non-noble corporations for self-rule (Lutz 1987: 139). Sixteenth-century representations of the urban body politic did not reflect any sense of superiority of urban aristocratic rule over the monarchical leadership provided by the emperor. In contrast, urban iconography did not fail to represent the place of cities within the monarchical environment. Indeed, it was the monarchical empire that guaranteed their survival (Meier 1996: 371). Both in the Swiss League and

in German imperial towns, examples of self-representation, therefore, included attempts to compare the urban citizenry in terms of their ability to rule with the nobilities outside the city walls. Urban civic humanism thus drew on classical examples, but orientated itself at the same time towards its main challenge from outside.

Thus, when the princes of the Empire sought to introduce tighter control over towns towards the end of the sixteenth century, one line of defence against this threat was to insist on describing the leading citizens of these towns in terms of a ruling order similar in honour and rights to the noble princes outside the city walls. In this vein, in 1657 the Esslingen councillor Philipp Knipschild wrote the standard account of towns and citizenship of early modern Germany (Willoweit 1995: 191). Significantly, in order to bolster the legal right of urban corporations of imperial cities to rule themselves, he insisted on the virtue of aristocracy and the dangers of democracy. As Celtis had expressed it in his book on Nuremberg, the multitude did not qualify to uphold order over themselves owing to their lack of moral ability. Thus, *nobiles et patritii* should run a city and indeed represent it (Knipschild 1687: 73, 1038). In a number of ways, Knipschild's thought on cities and citizens finally explicitly formulated a number of basic assumptions already expressed in the iconography of urban government in the Regensburg council chamber discussed above (*ibid.*: 8, 212). The difference between the city made up of all the inhabitants within the city walls and the actual citizens being the *res publica* as a group is accounted for in Knipschild's definition of *Libertas* in the urban context. Liberty in this context meant to be subject to the emperor alone. Only the princes and the other estates of the Empire, among them the imperial cities, were subject to the emperor alone, represented by their nobles and patricians (*ibid.*: 14–16). Thus, urban civic humanism remained closely associated with and orientated toward a society of ranks and estates in which the urban patricians envisaged themselves as one leading rank directly beneath the emperor.

III

The values I have so far been discussing were challenged in times of religious strife. Contemporaries found themselves forced to turn to classical examples to question this hierarchy of order and subjection, and to appeal to virtue and the defence of the fatherland as a means of defending the true faith. Within this context, civic humanism provided a rationale for political action for urban patricians, noblemen and for territorial inferior

magistrates (such as the lower nobility and the estates of towns) alike. Against the background of such conflicts, civic humanism was transformed into patriotism.

For Protestant imperial cities such a threat provided the possibility of a suppression of the Protestant faith by the emperor from the 1520s to the 1540s. Against this background, the story of Lucretia became a vehicle of Protestant civic humanism. She had played an important role in the fall of the last Roman king and the establishment of a republic. Her story was rewritten by the Swiss theologian Heinrich Bullinger, based on Livy and Dionisius of Halicarnassus, and entitled *A Lovely Play Concerning the History of the Noble Roman Lucretia, and how the Tyrannical King Tarquinius Superbus was Driven from Rome, and Especially Concerning the Steadfastness of Iunius Brutus, the First Consul of Rome*. The play was staged in Aarau, Basel and Strasburg in the 1530s. The core of Bullinger's version was the struggle against tyranny and the establishment of a republic. It focused particularly on the virtue of Brutus, defending the republic even if his own sons had to be executed, thereby taking up the motive of primary duties to the body politic rather than to one's own family. Lucretia was added to Regensburg paintings, underlining her anti-tyrannical virtue in dying rather than agreeing to be ruled. In his *Memorial der Tugend* dedicated to her, the Lutheran jurist Johann von Schartzenberg pointed out that Roman kings were driven out of Rome because of their viciousness (Zapalac 1990: 121–4).

These examples from Roman antiquity fit well into the argument of self-defence put forward by Lutherans. During the 1530s, the defence of chastity, the right to self-defence and the struggle for the true faith were merged in Lutheran accounts of legitimate self-defence. To defend the chastity of wives and daughters, Melanchthon was willing to concede after 1535 that every head of household had a right to self-defence by law of nature. In his 1539 disputation on Matthew, Luther understood civil society as consisting of three orders, the ministers, the magistrates, and the common heads of households, each invested with a right to defend the true faith and slay the servants of the Antichrist. But Melanchthon himself found these developments too far-reaching. Thus by 1546/7, the legal subject of self-defence against the emperor in such accounts as Regius Selinus's treatise on self-defence was held to be the body politic as a fatherland of believers (Friedeburg 2000, 2001). The concept of the magistrate as citizen and the body politic as fatherland began to inform the description of the territories of princes as well, and thus to bolster the role of civic humanism in the contemporary understanding not only of towns, but also of the counsellors of princes.

A case in point is the principality of Hesse. As Hessian lower magistrates had to experience during the imprisonment of the landgrave Philipp by the emperor Charles from 1547, the true faith was not safe if guarded by the prince alone. Indeed, Hessian magistrates resisted the orders of landgrave Philipp to enforce the Interim in Hesse. It is against this background that Johannes Ferrarius's (1485–1558) account *De republica* (1556) on the civic virtue and duties of lower magistrates has to be understood. Ferrarius was one of the chief advisers to landgrave Philipp and his son William, to whom the treatise was dedicated. He was also a professor of the newly founded Lutheran Marburg University. Here we witness the transfer of civic humanism from its urban context to the universities and the territories of princes. Ferrarius claimed that '*officiales*', his term for the lower magistrates in the territories, was derived from *officium*, as defined in Cicero's *De officiis* (Ferrarius 1556, Book III, ch. 1, 31). According to Ferrarius, Cicero's concept of the honourable and the beneficial reinforcing each other did not fit any group in society but these lower magistrates (Cicero, *De officiis*, III, 7–39; Dyck 1996: 503–43). For it was their office to preserve and foster both *civitas* and *respublica*, the well-being of the citizens and a pious and good life in the community (Ferrarius 1556, Book III, ch. 7, 42). With respect to Plato, he stresses the role of philosopher-counsellors and that true citizens form the body politic not for their own ends nor for their friends, but for the well-being of the fatherland (Ferrarius 1556, Book II, ch. 3, 23). The Plato cited, however, was very much a Ciceronian Plato, and in Ferrarius's eyes Cicero's *De officiis* is rivalled as a source only by Aristotle. In his treatment of these sources, Ferrarius is strongly influenced by Melanchthon. The preface to the 1534 edition of *De officiis* is only one example of Melanchthon's praise for Cicero's 'definitions of virtue' (Melanchthon 1951–61: III, 85). Melanchthon treated Cicero as virtually the prime source for civil order. In his adaptation, however, Melanchthon distinguished adequate tools for private life and public rule, tools for the conservation of private life and for running the body politic (*artes instrumenta privatae vitae conservandae, regendae rei publicae: ibid.: 82–3*), a distinction that Cicero had tried to overcome (Dyck 1996: 32–6). But Melanchthon's distinction, reflecting the superiority of the common weal over private interests, would become the basis to allocate civic virtue to the one group in society whose office it was to run the common weal rather than to pursue private goals. These were the lower magistrates (Melanchthon 1951–61: III, 85). Indeed, in his 1559 treatment of the lower magistrates in his *Loci theologici*, they are described as custodians of the political order (*ibid.: II.2, 761*).

Ferrarius's account which, as stated above, is strongly influenced by Melanchthon, further pursued the transformation of reflections on politics into an academic genre. The nine books of Ferrarius's treatise set an example for further works of the same kind. They cover an encyclopaedic variety of subjects to fully prepare the reader for his later offices and duties as a magistrate. Books IV–VI deal with the running of the administration and economy, and even here Cicero is ubiquitous. But the use of the *De officiis* and the *De legibus* is even more prominent in Books II–III and VII–VIII. Book II is primarily a mirror for princes. While stressing the need for princes to be philosophers (Ferrarius 1556, Book II, ch. 3, 23), it discusses the evil influence of courtiers and the 'pestilence' of personal ambition in politics (*ibid.*, Book II, ch. 5, 25, 28). Thus, while both democracy and aristocracy are denounced as unstable – for once differing from Melanchthon, who had championed aristocracy – monarchy and the office of the prince are described as 'necessary, but difficult' (*ibid.*, Books II, III, chs. 1–3, 17–35). The prince, though supreme magistrate in the body politic, is still subject to the law like any other member of the commonwealth (*ibid.*, Book III, ch. 7, 42). All forms of government threaten to put the body politic in jeopardy. But Book III introduces the lower magistrates as the true backbone of the commonwealth. These *officiales* are for Ferrarius the true guardians of *officium*, for, as noted above, the term denoting them was allegedly derived from the term 'officium' (*ibid.*, Book III, ch. 1, 31). While the lifestyle and habits of all other groups in society, including the nobility and the princes, might damage the commonwealth, the life of the *officiales* is dedicated to fostering it. To be sure, princes still had a vital role protecting the body politic (*ibid.*), but the *officiales* emerge as the true tools of Cicero's *De officiis*. Book III elaborates on the virtue expected from these magistrates. With reference to Cicero's *De officiis*, their office is to foster *utilitas civium* and *totus corpus Reipublicae* (*ibid.*, Book III, ch. 5, 37). Their goal for a good life is thus *imperare, coercere, iubere* (*ibid.*, Book III, ch. 7, 37, 42).

Two points merit attention. First, Book III links the civic virtues and the *vita activa* of Cicero's *De officiis* to the citizen-magistrates of towns and territories. They are clearly distinguished from both subjects and princes by exhibiting the moral deficiencies neither of popular nor of princely vices. Within the distribution of labour that the commonwealth is resting on, with the prince healing the body politic and the common people pursuing their private ends, the prime responsibility for the pursuit of the good life and its defence rests with the citizen-magistrates. Thus, virtuous lower magistrates are declared essential to the well-being of the commonwealth.

Second, no distinction is made between tyrants with or without legal title (Ferrarius 1556, Book VIII, ch. 1, 138–41). The prince is bound by the law and by his duty to virtue and piety and becomes a tyrant when he fails to live up to these duties. Book VIII discusses in depth the plight of tyrants. It dwells on the examples of Catiline and Tarquinius and praises Brutus as *ingens animus* (*ibid.*, ch. 3, 147), freeing not only Rome but the whole world from tyranny by killing Caesar. The argument then proceeds to the example of crusades allowed by God to defend the pious against the infidel (*ibid.*, ch. 4, 150–2). Again, these examples are combined with quotations from Cicero's *De officiis*. While war for the sake of the prince's private ambition is denounced emphatically, the defence of the fatherland and self-defence against the infidel are taken to be prime duties of good citizens (*ibid.*, ch. 4, 152, ch. 5, 160).

IV

From the later sixteenth century, matters of society and state were increasingly discussed within the academic framework of the new genre of the *politica* (Friedeburg 1998). The issue of sovereignty was much more prominent in this later period. Still, topics such as ethics, guides to the developing imperial public law and practical advice on the upkeep of order were increasingly, from the 1580s, published within this new framework as well (Dreizel 1992). From the late sixteenth century and specifically after 1606, the new genre reflected the increasing confessional tension in the Empire. The re-publication of core texts of Lutheran resistance theory such as Regius Selinus's text by Friedrich Hortleder in 1618 and a whole array of *Politicas* published in the first three decades of the seventeenth century testify to the relation of political reflection and confessional strife. Lutheran and Reformed accounts of legitimate self-defence against the *emperor* had argued in favour of the superiority of the *universitas* to explain the self-defence of a body politic even against its own supreme magistrate. When arguing this case against emperor Charles during the 1530s to 1550s, this argument could fall back on the specific privileges of the Protestant princes who opposed Charles V (Friedeburg 2000, 2001). Once these territorial princes threatened the true faith themselves, however, neither territorial nobilities nor inferior magistrates could oppose the princes on the basis of their feudal privileges. It was in this context that the notions of the territory as fatherland, of the magistrate as citizen and of the duties of citizens-patriots, already developed to some degree by the 1550s, were reinvigorated.

When addressing the self-defence of the fatherland, Christian Liebenthal wrote that subjects and citizens who loved the fatherland, using Cicero's stereotypical phrase, must be mobilised (Liebenthal 1652, ch. 30, n. 48): In the case of a tyrant invading the territory, all those who loved the fatherland had to fight (*ibid.*, ch. 38, n. 68). Similarly, the Lutheran Reinhard König claimed that subjects and citizens who loved the fatherland, who wanted to save the body politic, had to defend the fatherland (König 1619, ch. 16, § 62). Likewise, Johann Gerhard, the arch-teacher of Lutheran orthodoxy, insisted that the best of the fatherland was more worthy than the lust of any prince (Gerhard 1885: 561) and quoted Horace's verse on the sweetness of dying for the fatherland.

A particularly strong argument in favour of the duties and virtues of citizen-magistrates was put forward by the Pomeranian magistracy after the conversion in 1613 of the Hohenzollern prince-electors Sigismund to the reformed faith. Lutheran Pomerania threatened to fall to a reformed prince after the death of the last indigenous ruler, Bogislav, owing to family contracts with the Hohenzollerns. To Lutheran lower magistrates in Pomerania, however, events went from worse to critical when in 1627 imperial troops invaded the duchy and after 1629 the edict for the restitution of Catholic property (*Restitutionsedikt*) threatened Lutheranism. From 1630 to 1635 Swedish troops occupied the country, only to be expelled again by imperial forces in 1635 when the Peace of Prague seemed to enlarge the power of the Catholic emperor beyond all historical precedent. However, not only did the Swedish troops return in 1637 and remain until the end of the war, but neither Sweden nor Pomerania were still then governed by a monarch: Gustav Adolph had been killed at Lützen in 1632 and Bogislav had died in 1637. Run by magistracies and counsellors, Pomerania had turned into a citizen-magistrates' republic occupied by the forces of a kingdom that was similarly run by its leading counsellors, while the next monarch was still a minor.

Already in 1631, the later Lutheran superintendent Jacob Fabricius, who served in Gustav Adolph's army before becoming an important minister in the church of Pomerania, published his *Thirty-one Questions on War*. This manual for the confessional crusade demanded all men with 'true male hearts' to defend the fatherland and buttressed this claim with references to Cicero, the Apocalypse and Jeremiah (Fabricius 1631: 91–6). In 1644 Johannes Micraelius, another Pomeranian Lutheran, published *Syntagma historiarum ecclesiae omnium*. He addressed leading Swedish statesmen and counsellors like Oxenstierna and Torstensson as Roman citizens (Micraelius 1644: 1, 160). In his *Regia politici scientia* of 1654, again dedicated to Oxenstierna and

the *Senatores* of Sweden, he transferred the Lutheran ecclesiology of the three orders in the church into the secular body politic to account for Pomerania as a republic effectively run by a citizenry of patriotic judges, ministers and soldiers. The Lutheran account of three orders and the vocabulary of Roman citizenship to address the way in which the Pomeranian republic was run were effectively combined to minimise the role of the monarch. He attributed the proper working of the body politic to the interaction of ‘laws, senators and judges’ (Micraelius 1654, Book 1, ch. 1, § 9, p. 4). Micraelius reconnected the topic of citizenship and the term ‘citizen’ to the *res publica libera* (*ibid.*, ch. 9). He reminded the reader that true citizens live and rule in free cities (*liberae civitates*) and went on to define the meaning of citizenship in his own age.

In the usual way of putting things, the citizen is simply a member of a body politic, under whose laws he lives. Among these citizens are those who rule and those who obey, plain men and privileged citizens, higher and lower men, men with and without noble title, original citizens and those later associated, the citizens of the kingdom and the citizens of the town.

(Ibid., Book 1, ch. 9, p. 89)

In this sequence of opposing notions, urban dwellers are once again put among those plain and lower inhabitants who are ruled by the privileged, titled and ancient citizens of a body politic. Micraelius thus took part in stripping membership in an urban corporation of virtue and self-rule. He transferred the term ‘citizen’ to those groups in the body politic that took part in its governance. Micraelius went on to define what he called ‘*Cives imperantes*’ and thus reunited the issues of citizenship and rule that had been disconnected in the other genre of academic *politica*. According to his definition

Ruling citizens own power, are not subjected to a higher power and are called magistrates. In the Roman law terminology these are called magistrates, through whom, as instruments, the supreme power is executed . . . the subject-citizens are subjected to the highest power, must obey and are called the people, a monster with many heads, contumacious, tending to sedition and riot and always keen on new things, through laws and equity to be ruled.

(Ibid., Book 1, ch. 9, pp. 89–90)

Micraelius then talked about the monarch and the nobility under monarchical and aristocratic rule respectively and addressed government in general as

the rule of *cives imperantes* over subjects (*ibid.*: 89). But in his own answers to a number of questions he added to the chapter for didactic purposes, such as ‘Who are the true citizens’ (*ibid.*: 96), he took up his argument from the beginning on senators and judges and elaborated the argument on the particular role of lower magistrates as perfect citizens that had already been a part of Ferrarius’s argument. ‘Neither artisans nor merchants nor peasants, who do not occupy themselves with things that uphold the common weal, but 1. soldiers, 2. senators and judges, 3. the ministers, who all defend the republic against its enemies, counsel and judge, and maintain religion’ (Micraelius 1654, *Quaestio* 4, p. 96) are the true citizens. After spelling out the specific duties of ‘soldiers, counsellors and ministers’ in the body politic, Micraelius asserted that a republic is the more virtuous, the more that true citizens participate in its affairs.

Pomerania was by no means the only territory where inferior magistrates within the land claimed the right not only to counsel the prince, but to take the government of the country in their own hands by stressing the virtue of defending the fatherland. In Hesse, the nobility struggled with landgravine Amelie Elisabeth about their right to meet, to discuss freely issues of politics and to defend the laws of the territory even against the prince. These noblemen defended these rights as patriotic duties that had been observed by all those caring for the Hessian fatherland since the Middle Ages. During this struggle between the Hessian territorial nobility and Amelie Elisabeth from 1647 to 1652, the knights blamed her for having attempted to violate the laws of the fatherland as Caesar had done with the freedom of Rome and reminded her of his fate and threatened her with their right to self-defence and their duties as patriots and guardians of the fatherland.

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Micraelius is by no means clear cut about the role of lower magistrates in church and state. He is equally ambivalent about the notion of resistance and the definition of tyranny (Micraelius 1654, Book 1, ch. 10, pp. 102–17). However, his willingness to address lower magistrates as the true virtuous citizenry and relate the well-being of the body politic primarily to their active participation in government with direct reference to Rome and Greek cities is significant for reflecting specifically on civic humanism in early modern Germany.

By the turn of the sixteenth to the seventeenth century, political participation, self-rule and urban citizenship had been separated in most areas

of political discourse. The term ‘citizen’ was being used in laws prescribing the rights and duties of burghers in towns. Likewise, the term ‘*civitas*’ had lost its implications of *vita activa* to the term ‘*res publica*’, on which reasoning concerning the issue of rule subsequently concentrated (Mager 1990). This development was epitomised by several streams within the genre of the academic *politica*, e.g. by the Aristotelianism of Henning Arnisaecus (Dreitzel 1992; De Wall 1992).

Yet there remained a large number of *politicas* that attempted to defend the rights and privileges of territorial towns and nobilities against the threat of territorial personal rule and enlisted the virtues and duties of citizen-patriots to this end. Inferior magistrates and local noblemen adopted this argument and described themselves as patriots with the duty to defend the laws and custom of their fatherland. The running of the republic – in the sense of a legal corporation – for the sake of the commonweal – in the sense of its ethical and ultimately religious aim – became the office and duty of these citizen-patriots. By the time of the publications of Althusius, König, Liebenthal, Micraelius and Fabricius the body politic had become in legal thinking a corporation in which some commanded and others obeyed – a corporation of order and subjection – and a fatherland of believers whenever this corporation had to act in self-defence. As citizen-patriots of their fatherland, inferior magistrates and local noblemen were told by reformed and Lutheran writers to mobilise its citizens to fight for love of fatherland. Against this background, soldiers, senators and judges and the Lutheran ministry were described as the perfect citizenry. Citizenship, self-rule and virtuous political engagement for the fatherland were connected, closely following civic humanism.

It must be stressed that this use of civic humanism was never anti-monarchical as such. Constitutionalism remained particularly strong in an empire that elected its emperor and in which princes remained vassals bound by positive law. Civic humanism remained committed to government by counsel and to the defence of positive law and custom within a monarchical framework. It was thus committed to ‘constitutionalism’ and ‘counsel’ (Guy 1995b), not to the erection of a free state. True, during the later fifteenth and sixteenth centuries German imperial towns participated in the application of civic humanism (Schilling 1986). The more democratic and the more detached from the monarchical order of Germany political discourse became in middle Europe, however, the less room it seemed to have for civic humanism. It is thus significant that in the political discourse of the most famous democratic republic of middle Europe, the Free State of the Three

Leagues of the Grisons, civic humanism hardly played a role (Head 1995: 249).

Conversely, once the Lutheran faith of townsmen and noblemen became threatened during the crises of the first two-thirds of the seventeenth century, both academic writers of *politicæ* and their readers were willing to use civic humanism to defend the true faith and the 'monarchical republics' they were living in (Collinson 1987; Friedeburg 2000). The transformation of the rhetoric of virtue and citizenship into the duties of patriots was most prominent in those writers whom Horst Dreitzel has recently defined as the 'German monarchomachs', such as Johannes Althusius and Reinhard König (Dreitzel 1991: 529–31). Whether or not this definition will prevail, the defence of the rights and privileges of territorial estates and nobilities against the threat of the personal rule of princes made the most of the reservoir of civic humanism by transforming it into the new language of territorial patriotism.

Civic Humanism and Republican Citizenship in the Polish Renaissance

EDWARD OPALIŃSKI

Reflections on republican citizenship in the Polish-Lithuanian state should begin with a presentation, if only in the form of an outline, of the foundations of the system prevalent in the Commonwealth of the Two Nations. To comprehend the role played by political theories we must also attend to the struggle waged by the Polish nobility against monarchs and senators for the sake of rights, liberties and the system of the Commonwealth. Frequently, political events preceded theory, which in such cases justified already attained victories; this was the case predominantly up to the mid-sixteenth century. Subsequently, theory often served as an instrument in political combat, and was presented most frequently in the form of ephemeral pamphlets and tracts.

The date which marks the beginning of the modern parliament as an institution in Poland is 1493. At that time a two-chamber general assembly became an established parliamentary form. The upper chamber was made up of members of the king's council, holding the offices of bishops, *voivodes* and castellans as well as ministers, including the chancellor and deputy chancellors, the grand marshal, the court marshal and the grand treasurer. From that moment they became senators, and the upper chamber was called the Senate. The lower chamber of the general parliament (Sejm) was made up of deputies of the nobility selected at so-called land diets (*sejmiki*). At the same time, provincial parliaments ceased to operate and were transformed into the institution of general land diets. The new parliamentary system was based on a strong link between the Sejm and the land diets, at which deputies were elected and given instructions from the local nobility on what actions to take in relation to the king's policy. In the 1590s the connections between the Sejm and the land diets were further strengthened. At that time, so-called post-Sejm land diets were established at which the deputies were obliged to report on the debates of the Sejm.

Here it should be asked, what factors had a decisive influence on both the development of the parliamentary system and the increased political awareness of the Polish nobility? An important role was unquestionably played by the dynastic crises. In 1370, after the death of king Casimir the Great, the last representative of the Piast dynasty, his nephew, Louis d'Anjou, king of Hungary, succeeded to the Polish throne. The new monarch had no male progeny, and in order to pass on the hereditary right to the throne to his daughters, Maria and Jadwiga (Hedwig), he first had to obtain the consent not only of lay officials and the clergy but of the entire nobility. The price for this consent was the privilege of Košice, by which he pledged not to levy any new taxes without the consent of the lords. This privilege became the foundation of the development of the institution of the general parliament, which appeared for the first time in the history of the Polish commonwealth in 1382–6, during the interregnum following the death of king Louis d'Anjou. The next dynastic crisis arose after the death without issue of queen Jadwiga d'Anjou (1399). After the birth of a son in 1424, her husband, Władysław Jagiełło, king of Poland and the highest duke (Supremus Dux) of Lithuania, took steps to secure the support of the nobility for the succession of his progeny to the Polish throne. He obtained it by granting the privilege of Brześć, issued in 1425, in which he pledged not to imprison any nobleman until a court had proven his guilt.¹ This privilege, which takes its name from its opening words *Neminem captivabimus nisi iure victum* ('We shall not imprison anybody unless he has been convicted by law'), became the foundation of the civic liberties of the nobility.

Among the factors promoting the development of the parliamentary system and the civic liberties of the nobility, mention must also be made of the political crisis that arose out of the late medieval wars. Especially important here was the year 1454, the start of a thirteen-year conflict with the Teutonic Order. The nobility assembled in the war camp at Cerekwica threatened to disband unless the king granted them new privileges. Casimir IV Jagiellon promised not to promulgate any new laws without the approval of a convention of nobles known as land diets. The nobility were also granted the right to elect judges in a privilege confirmed in 1454 in Nieszawa.² This privilege, which became the basis for the political importance of the land diets and the Sejm, also initiated the judicial self-government of the nobility.

1. The privilege of Brześć in 1425 was issued only for the nobility of Great Poland; the privilege for the nobility of Little Poland was issued in Jedlna in 1429. The privilege for whole Polish nobility was issued in Krakow in 1431.

2. The privilege of Cerekwica in 1454 was issued only for the nobility of Great Poland; the privilege for the whole Polish nobility was issued in Nieszawa in 1454.

An important role in shaping the system of representative assemblies was unquestionably played by the nobility's fight with the senators for political power in the state. The beginnings of this contest go back to the interregnum following the death of king John Albert in 1501, when his brother Alexander, grand duke (Magnus Dux) of Lithuania, was installed on the Polish throne. The so-called privilege of Mielnik again brought a victory for the magnates because it established separate courts for senators, thereby removing them from the jurisdiction of the courts to which the rest of the nobility was subject. The charter stipulated that the king could take political decisions only with the approval of the Senate, which became the supreme body of the commonwealth. Thus an oligarchic system was substituted for a parliamentary one. This situation did not suit either the newly elected king or the rest of the nobility, who had lost their previous political position in the commonwealth. The political fight taken up by the middle nobility at that time increased the political awareness of the nobility and resulted in the resolutions of the Sejm of 1505. The constitutional law passed at that time with the support of king Alexander Jagiellon, which is known by its opening words *Nihil novi sine omnium consensu* ('nothing new without the consent of all'), curtailed the Mielnik privilege by stipulating that the king had no right to legislate without the consent of both chambers. The *Nihil novi* constitution crowned the victory of the nobility and the king over the Senate by formally recognising the existence of a two-chamber parliament based on representation. At the same time, by law it accorded a very important role the Chamber of Deputies in the political system.

The *Nihil novi* constitution, however, was not the end of the fight between the senators and the nobility. At the beginning of the sixteenth century the parliamentary representation of the nobility was greatly dependent on the senators. Although deputies were elected at land diets by the nobility, by virtue of the law of customs the senators had the final say on the election. A political movement of the nobility started to form in the 1520s around the proposal to strip senators of the right to designate deputies. Under pressure from the nobility, the Sejm in 1520 restricted the rights of senators to elect only half the number of deputies at land diets, and in 1540 stripped them of the right entirely. From that moment the movement of the nobility was transformed into a movement for the 'execution of the law' whose aim was the reform of the state. The catchword that mobilised the majority became the so-called 'execution' of old established customs and laws. Execution consisted in the elimination of excesses in the handing out of royal estates to senators (execution of estates) and in the demand for the observance of the

law prohibiting the holding of several offices (execution of rights). The aspirations of the nobility, voiced in both the land diets and the Sejm, struck a blow mainly at the political position of the senators. However, because they also interfered with the freedom of the king to hand out offices and royal estates, they were opposed both by the senators and by Sigismund the Old and Sigismund Augustus. Finally, at the beginning of the 1560s the financial difficulties caused by the war with Moscow forced king Sigismund Augustus to yield to the demands of the nobility. The resolutions of the Sejms of 1562–5, implementing the demands of the ‘execution of the law’ movement, weakened the political and economic position of the senators and brought about a shift in the balance of power between the two chambers of parliament. The position of the Chamber of Deputies (Sejm) was enhanced at the cost of the Senate.

The final stage in the fight between the nobility and the Senators was played out during the first three interregnums in 1572–3, 1574–6 and 1587. The most important political decisions were taken during the first of these interregnums. In 1572 the death without issue of the last Jagiellon, king Sigismund Augustus, raised a fundamental question about how the state should be run during an interregnum and opened up a new stage in the fight for the constitutional order of the Polish-Lithuanian Commonwealth. Customary law, which had been applied for the last time in 1506, handed over power in the state during an interregnum to the senators. They decided which one of the Jagiellons would become the Polish monarch. In 1572 the Senate once again attempted to exercise its traditional prerogatives. This attempt was resisted *en masse* by the nobility, all the more successfully because the senators had no coherent political vision and were unable to agree among themselves on the manner of electing the king or even on the date and place of the election itself. Spontaneously formed confederations of nobles, the interregnum vigilance committees, appointed their own courts, formed their own military units and took the initiative to move the stalled machinery of government back into action. At the end of 1572 the senators were forced to convene a special Sejm, called the Convocation Sejm, at which, with the participation of deputies of the rank and file nobility, a general interregnum confederation embracing the entire country was proclaimed, the time and place of the election was set, and it was decided that all nobles of whatever rank had the right to participate directly in voting for individual candidates to the Polish throne. Thus the nobility succeeded in seizing all power during periods of interregnum. This created, during such periods, a kind of republic with strong elements of direct democracy: election *viritim*, that is by universal franchise

for the Polish nobles, and rule by the nobility – interregnum confederations. The concept of the sovereignty of the estate of the nobility found its fullest and permanent form.

The most important concepts in any theory of representation are the concept of the subject represented and the concept of the representative who acts in the name of the subject. In the fifteenth and at the beginning of the sixteenth century the subject represented in the Polish-Lithuanian case was '*corpus Regni*' ('the body of the kingdom').³ In the resolution of the Sejm of 1496 we read: 'We, Johann Albrecht, represent the body of this Kingdom with the prelates, barons, nobles, and deputies of the country, including the secular ones, who are together in this general assembly' (*Volumina legum* 1859: 255). After 1505 the terminology for designating the subject being represented underwent modification. In the election decree of king Sigismund the Old of 1506 we read: 'The prelates, counsellors, barons and nobles [are] the representatives of the whole Kingdom of Poland' (Grzybowski 1959: 10). By the middle of the century the subject represented had become '*corpus Reipublicae*' ('the body of the commonwealth'). Further changes in the next five decades resulted in victory for the conviction that the subject represented is the commonwealth. This connotation was consolidated in 1572–3, during the interregnum following the death of Sigismund Augustus.

The concept of representation also passed through a semantic evolution. Throughout the fifteenth century the king was not the representative *regnum Poloniae* but its sovereign. The representatives were 'praelati', 'consiliari' and 'nuntii'. The system of estate dualism was reflected in this concept of the representation of the state: the monarch and the estates. A radical change took place in 1505 with the ratification of the *Nihil novi* constitution. The parliament became the representative of the *regnum Poloniae*. Three deliberating estates entered permanently into its body: the king, the Senate and the Chamber of Deputies.

An analysis of the concept of the subject represented shows an interesting evolution during the sixteenth century. The initial, fifteenth-century, terminology had clear monarchical accents. But when the concepts *corpus regni* and *regnum Poloniae* were altered radically by the expressions *corpus reipublicae* and *respublica*, the Commonwealth (*Rzeczpospolita*) took on a republican character. The concept of the representative went through a similar, but not as radical, evolution. In the fifteenth century the king was not regarded as a representative; the position of the monarch as sovereign and the dualism of state power

3. See Grzybowski 1959, about the problem of representation in Poland in the sixteenth century.

were emphasised. In the sixteenth century the adoption of the constitutional principle of *Nihil novi sine omnium consensu* turned the king into the first deliberating estate and thereby into a representative of the *regnum Poloniae*, alongside the Senate and the deputies. This important change expressed the passage from monarchical forms of power to a system of mixed monarchy. Although the king remained the sovereign and head of state, he was limited by the royal law and could take the most important decisions only through his presence in parliament.

The problem of deputies requires a separate analysis. During the fifteenth century they were representatives of *communitas terrae* ('the community of the land'), but not of the entire nobility. The nature of deputies, as representatives of the nobility from individual lands, found permanent expression in the names used to describe them. Until the end of the Commonwealth they were called 'nuntii terrestres' or 'nuntii terrarum' ('land deputies', 'deputies of lands'). In the first half of the sixteenth century, during the fight against the political dominance of the Senate, deputies of the rank and file nobility not only rejected any disposition to think in terms of the particular interests of individual lands, but started to sense a communality of their own deputies' interests and deputies' dignity. They gradually ceased to be a gathering of representatives of individual lands and, as a Chamber of Deputies, started to become the representative of the Commonwealth. The changes that took place first in ways of thinking and then in political attitudes were crowned in the universally shared view of the Chamber of Deputies as an institution representing the Commonwealth. However, the final victory of this principle in the middle of the sixteenth century did not alter the original nature of land deputies. From that time one can speak of the dual nature of deputies both as representatives of individual lands and of the Commonwealth as a whole.

The word 'Commonwealth' (*Rzeczpospolita*) was a term commonly used in the sixteenth and seventeenth centuries. It appeared in the political literature and in acts passed by the Sejm and land diets. For the nobility, the term connoted first and foremost the Polish kingdom and from 1569, that is from the Union of Lublin, the Polish-Lithuanian state, in which the two states were equal partners. What is more, the concept was used in speaking of other states irrespective of their constitutional forms, adding at most the adjectives 'good', 'bad' or 'perverted'. One should also mention the use of the term 'Christian Commonwealth' in a dual sense. The first meant a military alliance of European states directed against the Muslim threat (*Diariusze sejmowe z 1597*: 63). The second had a wider meaning, encompassing all the Christian states making up the Christian community opposed to the world of

Islam. Depending on political needs, the Polish-Lithuanian state either belonged to this community or was excluded from it, constituting the ‘*munus aenus*’ (‘last bastion’) of the Christian Commonwealth.⁴

The Polish and Lithuanian nobility extended the concept ‘Commonwealth’ to the Sejm.⁵ One can surmise that this concept, which one encounters for the first time in the 1580s, passed through a considerable evolution in thirty years. In the middle of the sixteenth century the Sejm represented the *corpus reipublicae*, but starting from 1569 the parliament became the representative of the *respublica* – the Commonwealth. Finally, after a dozen or so years the highest representative body came to be fully identified with the state. The historical sources leave no doubt as to such a connotation of the term ‘Commonwealth’. ‘The Commonwealth is His Royal Majesty’s, the Senate is composed of the orders of the nobles (*et ordine equestri*)’, stated the father of future king John III Sobieski, *incisor regni* (‘the king’s butcher’) during the debate at the Coronation Sejm of 1633.⁶ The acts of land diets are replete with such expressions as ‘in facie totius Reipublicae’ and ‘the entire Commonwealth’. There is no doubt that this concept was supposed to refer to the three deliberating estates: the king, Senate and Chamber of Deputies (Opaliński 1995: 29).

Already then, from the beginning of the 1590s, expressions appeared that excluded the king from the deliberating estates. In the sources we often encounter the expression ‘without the consent of His Royal Majesty and the Commonwealth’. As a rule, this formula was applied to emphasise the illegality of someone’s behaviour. Similar principles were followed when the aim was to gain direct support from the king for the deputies’ proposals. An example illustrating such a situation is the address of Jan Szymon Szczawiński, *voivode* of Brześć-Kujawski, at the Sejm in 1646. This senator addressed the king, ‘requesting His Royal Majesty in these wishes and desires of the commonwealth, promising each other consent by the commonwealth to the desires that His Royal Majesty and His Royal Highness will permit’ (Proceedings of the Sejm 1646: 206). The exclusion of the royal person from the deliberating estates, and thus from the concept of the Commonwealth, also took place in other circumstances, especially in periods of sharp internal tensions. This happened in 1592, for example, during the Inquisition Sejm

4. Quoted in an instruction of the local assembly of Proszowice, 13 December 1622, in *Akta sejmikowe* 1953: 9; Proceedings of the Convocation Sejm 1648: 103.

5. I deal with this problem at greater length in Opaliński 1995: 29 and *passim*.

6. Proceedings of the Coronation Sejm 1633, fo. 65^v; similarly the speech by Piotr Oźga, a judge (*subiudex*) of Lwów, on the Sejm debate, 1597, in *Scriptores* 1907: 7.

against king Sigismund III, and again during the Zebrzydowski rebellion (*rokosz*) in 1606–7. At that time, the king was not only excluded from the concept of ‘the entire Commonwealth’, but was even opposed to the Chamber of Deputies and the Senate. These manifestations of new thinking about the state boil down to giving representative bodies the rank of a superior organ exercising control over the king, ‘[s]o that the Commonwealth would not have a prince of such power, as I understand it, as a prince who should not be judged by the Commonwealth in case of serious law breaking’, stated Mikołaj Firlej, *voivode* of Krakow, at the Sejm of 1592 (*Diariusz sejmny 1591–1592*: 214).

Finally, we should mention another, affiliated meaning of the concept of Commonwealth. In 1600 the Łęczyca land diet told its representatives to the Sejm that ‘if Prince Ansbach, vassal of the crown, were to die, have the king of the Commonwealth and of the Senate attend to the matter’.⁷ Wording of this type appeared rarely in the sources. Judging from the context, it narrowed the concept of the Commonwealth to the Chamber of Deputies. A wider interpretation is also possible. The Polish Sejm did not represent the estates that were outside it, but only the estates that were members of it. Thus, at least from the middle of the sixteenth century, the Commonwealth is both the Chamber of Deputies and the entire nobility. Some addresses in the Sejm argue in favour of such an interpretation as it is derived from the theory of parliamentary representation. In 1551 Jan Ocieski, deputy chancellor of the crown at the time, argued during the deliberations in Parliament that ‘deputies are only elected from voivodeships, but they are deputies of the entire Commonwealth, for otherwise every land would be a separate Commonwealth’ (Grzybowski 1995: 34). This way of thinking was also noted by foreign observers. For example, the envoy of the Holy Roman Emperor to the Sejm in 1553 noted in his report that ‘in this assembly’ we find ‘the deputies of the nobility and the country, who represent the body of the Kingdom’ (*Diariusze sejmów* 1872: 53). The same point was made by the author of the proceedings of the 1569 Sejm. In recording the arrival of Lithuanians in the Sejm, he wrote: ‘the entire *respublica* arrived, that is deputies *cum plena potestate* [with full power]’ (*Dnewik 1569*: 303).

Other sources identify the Commonwealth with the nobility of individual lands and land diets. In the proceedings of the Sejm which was convened in 1648 during the interregnum following the death of King Władysław IV, the following decision of the Chamber of Deputies was recorded: ‘It was

7. Quoted in an instruction of the local assembly of Łęczyca, 14 January 1600, Library of the Polish Academy of Sciences, Krakow, Teki Pawińskiego (Pawiński Files) 10, p. 85.

decided that new court judges who have not yet been sworn in should take the oath of office in the presence of the interregnum and borough court first to the Commonwealth and then to the king' (Proceedings of the Convocation Sejm 1648: 139). In this case, the Commonwealth is both the criminal court, the so-called judicial authority for the time of the interregnum, and the nobility of a given land personified in the interregnum court by its representatives. During the first interregnum in 1572–4, the interregnum courts were made up of all of the nobility of a given land. This arrangement was quickly abandoned in favour of a representative system, which from 1668 began to return to the starting point by systematically increasing the number of deputies (Pawiński 1978: 100, 105, 410, 422–3).

A dual meaning of the concept of the Commonwealth is also contained in a passage of the proceedings of the 1611 Sejm. Its author identified the Commonwealth with the land diets. 'There were those who said that there was consensus and agreement of the Commonwealth in favour of the war; the Lwów judge tried to convince them by a list of arguments. These were handed out in articles to deputies of the voivodeships. They were debated in the Senate'.⁸ It should be noted that the land diets, which in theory assembled the entire nobility of individual lands, were at the same time institutions that were integral parts of the political structure of the state. This way of thinking in which representative institutions were understood in two ways, as representatives of the entire body politic and of all citizens, led to the extension of the concept 'Commonwealth' to the entire nobility.

Here we should raise the question whether such a far-reaching interpretation is justified. At the Election Sejm during the interregnum in 1587 following the death of king Stefan Batory, the Lithuanian nobles, who supported the candidacy of Fiodor, grand duke of Moscow, stated that their 'candidate the grand duke of Moscow should remain on the field, because we believe that there he is most useful not only for us but for the entire Commonwealth' (Proceedings of the Election Sejm 1587: 144). However, in 1624 the land diet in Proszowice in the Krakow voivodeship ordered the publication in all towns of the king's response to deputies to the Sejm in order 'that the entire Commonwealth would know how the law is obeyed by those who write these responses, how they abide by them and to which responses they expose His Royal Majesty'.⁹ These quotations support the

8. Speech by Piotr Oźga, judge of Lwów, during the Sejm debate in 1611, in Proceedings of the Extraordinary Sejm 1613, fō. 22^v.

9. Quoted in an instruction of the local assembly of Proszowice, 26 November 1624, in *Akta sejmikowe* 1953: 29.

conclusion that at least from the beginning of the reign of Sigismund III, the term 'Commonwealth' was also used to refer to the nobility as a whole. Thus a complete identification took place of the nobility with the state. If Louis XIV, king of France, could say of himself 'l'état c'est moi', then the Polish, Lithuanian and Ruthenian nobility could say 'the state are we'.¹⁰

The term 'Commonwealth' appeared at the end of the sixteenth century in a triple meaning: the Commonwealth as the state, the Commonwealth as the estates convening at parliamentary assemblies, and the Commonwealth conceived as the gentry as a whole. This triad defines most concisely the concept of the state envisaged by the nobility, i.e. one in which the citizens regarded themselves not merely as a subject, but as the creators, owners and heirs of the state.

The role of political theories can clearly be seen in an analysis of the problem of how to regard the king as a parliamentary estate. Although in describing the position of the king *vis-à-vis* the Sejm at the end of the fifteenth century legal historians use the phrase 'the king in parliament', they acknowledge that at that time the concept of the king as a parliamentary estate did not exist. What is more, king Sigismund the Old, who reigned from 1506 until 1548, attempted to introduce the practice of deliberations of the parliament without the presence of the monarch. The nobles first succeeded in forcing the king to attend sessions of the Sejm (from 1540), and this was followed several years later by the appearance of the expression in which the monarch was referred to as a parliamentary estate. The expression was used by deputy Hieronim Ossoliński during the deliberations of parliament in 1555 (Grzybowski 1995: 92). Finally, in the middle of the sixteenth century, the theory of *monarchia mixta*, based on the writings of Aristotle, appeared in Poland. From the writings of eminent political theorists such as Stanisław Orzechowski and Andrzej Frycz Modrzewski the theory entered the public domain and gained universal approval. This extraordinary success derived from the very nature of the theory and from the political changes that reached their apogee in the middle of the sixteenth century. For that was the period that marked the first stage in the victory of the system of the democracy of the nobility. The nobles succeeded not only in binding the monarch permanently to the parliament and assigning him the role of first parliamentary estate, but also in weakening the political influence of senators both in parliament and in the land diets. This situation required a theoretical justification, which the formula of 'Mixed Monarchy' was almost ideally suited to play.

10. Opaliński 1995: 30. Jarema Maciszewski has a similar view: 1986: 132.

A brief presentation of the premise of republican citizenship, associated integrally with the humanistic understanding of the idea of the citizen, should commence with a definition of the state, proposed both by the Polish theoreticians of the science of the state and by political publicists. In his treatise *Dyjałog albo rozmowa około egzekucyjnej Polskiej Korony* (Dialogue or Conversation about the Execution of the Polish Crown), a work of an overwhelmingly propagandist nature, issued in 1564 in connection with a discussion conducted by the Sejm on the manner of the realisation of the execution of property, Stanisław Orzechowski suggested a definition of the state which referred to the one coined by Cicero: 'The commonwealth is an assemblage of citizens united in a community of the law for the good of society.'¹¹ At the same time, he introduced his own distinction between pagan and Christian states:

You should know that this difference between the pagan and Christian monarch lies in the fact that among the pagans kings are the *summa summarum* of all, and their subjects resemble nags or oxen used by the monarch for riding or ploughing, as he wills; amidst the pagans everything in the kingdom is for the sake of the king; what is useful to the king, is good. The end of a Christian kingdom is the common benefit.

(Orzechowski 1972: 382)

The author required such a distinction in order to justify the existence of a special form of state, namely, the Commonwealth, which possessed strong elements of a democratic system. Another great political author, Andrzej Frycz Modrzewski, a contemporary of Orzechowski but more of a theoretician than a propagandist, based his definition of the state, contained in the first book 'O obyczajach' (On Mores) of his monumental work entitled *De republica emendanda* (1550–1), primarily on the deliberations of Aristotle, supplemented by Ciceronian reflection. He defined the Commonwealth as the association and council of men which by law was constituted for the sake of the good and beautiful life: 'Definiunt enim illi rempublicam esse concilia coetusque hominum iure, ex multis viciniis perfectos et ad bene beateque vivendum constitutos'. Later, Modrzewski connected the ideal of the good life with that of the honourable and virtuous citizen: 'This is the end of this commonwealth, to let all citizens live well and happily, that is honestly and rightfully.'¹²

Wawrzyniec Goślicki (Laurentius Goslicius), author of *De optimo senatore* (1568), a treatise popular throughout Europe, accepted, like Modrzewski,

11. Orzechowski 1972: 313 (Cicero 1988, I, 39).

12. Modrzewski 1953, Book I, ch. 1, 30, 31; Aristotle 1988, 1252 b, 1258 b; Cicero 1942, 15.

a definition of the commonwealth based on Aristotle and enriched with Ciceronian elements. A comparison of the definitions discloses their difference from the Ciceronian version. In the treatise *De re publica*, the Roman philosopher had defined the state as a thing of the people: 'A commonwealth is the property of the people, but the people is not any collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good' (Cicero 1988, 1, 25, 39). It is obvious that Orzechowski's definition of the commonwealth is based predominantly on Cicero, while in the other definitions Ciceronian elements fulfil only a supplementary function. In turn, in *Przydatki do Polityki Arystotelesowej* (Addenda to Aristotle's *Politics*) (1605) Sebastian Petrycy of Pilzno built a definition of the state exclusively on Aristotelian premises (Petrycy 1605: 269), as did Jerzy Lemka, author of yet another treatise about the Commonwealth, published in 1608 (Lemka 1608: 12).

This unavoidably brief survey of definitions of the state used by Polish authors during the sixteenth century and at the beginning of the seventeenth century leads to a highly interesting finding. A definition founded primarily on Cicero was employed by supporters of the democracy of the gentry (Orzechowski), while definitions stemming from Ciceronian formulations, and referring to Aristotle or Plato (Krzysztof Warszawicki, 1543–1603), were applied, as a rule, either by authors intent on conducting certain reforms (Modrzewski), or else by the adherents of other forms of governance (Goślicki, Warszawicki). A distinct position is held by the commentators on Aristotle in whose reflections there was little room for Ciceronian definitions.

The problem mentioned above becomes even more clear cut when we take a closer look at the preferred forms of the state. Stanisław Orzechowski, in the preface to *Correction of the Law* of Jakub Przyłuski, published in 1553, emphasised that the forefathers of the Polish nobility had already believed that there were three forms of government. He called them, following Aristotle, monarchy, government by an aristocratic minority, and government by the people as a whole. In his opinion, our ancestors acknowledged that all these three forms have defects. Hence they chose a mixed form that combined all three forms of government. According to Orzechowski, the Commonwealth is not a kingdom, nor a form of rule by an aristocratic minority, nor a state in which the people rule (Orzechowski 1972: 104). Andrzej Frycz Modrzewski likewise recognised as a superior form of the state the one which combined 'royal rule, the rule of the best and the rule of the people,

i.e. such a form in which royal virtue governs all, highest honours are bestowed upon the best members of the nation, and all enjoy an equal chance for pursuing honour and the acclaim of valour' (Modrzewski 1953: I, Book I, ch. 2, 247). The preferences of the two authors were identical.

It is worth noting the argument used by the author Orzechowski. Together with Modrzewski, he was co-author of the theory of mixed government in the Commonwealth. Notwithstanding this fact, he alludes to forefathers who supposedly not only introduced such a system, but consciously chose it as the best of the best. This kind of argumentation was characteristic of Polish political writings. As a rule, the propagation of new institutional arrangements was dressed in the costume of a distant, hazy past. This was a way of fending off charges of introducing new arrangements that might be harmful.

There was a plurality of voices commenting on the best form of the state. Wawrzyniec Goślicki, a supporter of Plato, was not an enthusiast of the democratic system. On the other hand, since he was not a fervent admirer of pure monarchy or aristocracy, he opted for a *res publica mixta* which emphasised both civic virtue and the representation of the three orders, king, Senate and people: 'We judge to be the optimal commonwealth for us the one that consists first of good citizens who excel in virtue and then of men from the three orders, the king, the senators and the people' (Goślicki 1568, fo. 10a). Nevertheless, *monarchia mixta*, as proposed by Goślicki, denotes a state in which predominance belongs indubitably to the Senate.

The preferences of Krzysztof Warszewicki are clear; his treatise *Paradoxa* openly supports the monarchy as the form of the state dictated by reason, revealed by nature and taught by experience: 'Well, then, reason dictates, nature shows and experience teaches that we obey one rather than many' (Warszewicki 1588, fo. 37). Furthermore, his beliefs are so radical that they express approval even for autocracy in the form of tyranny: 'Sometimes we can and should find the power of the tyrant over us legitimate, at least if his will seems less inequitable' (*ibid.*, fo. 30).

Sebastian Petrycy regarded the best state system as that of the Commonwealth of Two Nations. In his view, the Polish state was based 'on the order of office, that is the king, the senate and all the gentry, so that one could not constitute anything without the other'. In order to dispel all doubts, he added in a further fragment of his treatise: 'The best of all the states of the monarchy of a single good and wise man is the Commonwealth, if the monarch, who could be fallible, adds other people to the government. For this purpose, the best is the Mixed Monarchy, since it involves many intellects

for purpose of counsel, and entrusts execution to a single person' (Petrycy 1605: 289, 307).

Until the end of the Commonwealth's existence, monarchy continued to be regarded as the best form of government. However, it was stressed that in pure form it could lead to tyranny, of which contemporary examples were seen in Turkey and in the Muscovite state. 'We do not praise the monarchy that exists with the Turks, Tartars and Muscovites, which is unlawful rule', wrote the Jesuit Piotr Skarga in his *Sermons* published in 1597 (Skarga 1972: 135). In those states, according to many political writers, there was no law, which was unnecessary anyway 'because the tyrant himself is the law, and everyone must do what he wishes' (Petrycy 1605: 182). 'Autocracy is evil, harsh and onerous for the subjects, and always dangerous, or at the very least cannot be praised by a person who was born free', wrote Paweł Piasecki in his manuscript treatise *Responsum de absoluto dominio* (1631–2) (Piasecki 1972).

In the *monarchia mixta* all estates have strictly defined roles and tasks. The factor guaranteeing that the system works was the law and the harmonious co-operation of the parliamentary estates. This doctrine was given precise expression by an anonymous writer in 1606:

Concerning the most important matters, in this free Commonwealth no one can proclaim laws, only by the free will and consent of all three estates. This Commonwealth is composed of three procedures: *of monarchy, aristocracy and democracy*. There is the King, the Senate, the estate of the nobility; however, these three estates comprise one Commonwealth. As the body lives by the soul, so are all the estates supposed to govern the Commonwealth by one law.

([Anon.] 1606: 403)

With the help of a theory based on *monarchia mixta*, an internally harmonious model of the state was created.

At this stage, we should enquire into the role of civic virtue in the Polish *monarchia mixta*, and ask who, in the opinion of the political writers, could become a citizen. Quite frequently, these two issues cannot be separated. In his unfinished treatise *Politycja Królestwa Polskiego na kształt arystotelesowskiej Polityki wypisana i na świat dla dobra pospolitego trzema księgami wydana* (Policy of the Kingdom of Poland written in the Form of Aristotelian Politics and issued worldwide in Three Books for the Sake of Common Benefit) (1564–6) Stanisław Orzechowski recognised virtue to be the prime pillar of the Commonwealth:

Why is the Polish policy based on the clergy, the king and the gentry by the force of hereditary rights.

Virtue and money are divided by great strife and discord, since the Gospel teaches . . . 'non potestis Deo servire et mammonae', which is to say 'you cannot serve God and money simultaneously'. Thus, our Polish policy, leading its entire realm towards virtue, places Poland on those admirable estates as if on pillars, which cherish virtue dearest of all.

Peasants, merchants and artisans do not possess honesty, and inborn virtue, and for this reason have been excluded from the policy (Szcucki (ed.) 1978: 277). Orzechowski also accepted the Aristotelian principle of the golden mean, to which all virtues should be subjugated. Thus fortitude was praised as the golden mean between timidity and audacity: 'All virtues should be held in the middle, because every extremity in them is vicious; both audacity and timidity are bad; in their middle fortitude holds its place – that is an excellent virtue, being both bold and fearful.'¹³

Since Orzechowski was of the opinion that only the nobility and the clergy, whose upper strata in Poland were almost totally of gentry origin, possessed inborn virtue, it would seem that he also maintained that only they could enjoy civic rights, serve the Commonwealth, and hold appropriate offices. A closer analysis of his works, however, reveals different results. In the treatise *Dyjalog albo rozmowa około egzekucyjnej Polskiej Korony* (1564) he states:

But the Commonwealth pays little or no attention to someone's lineage or worthiness; it regards as honourable those who contribute to its welfare, by multiplying its profit and honour. It does not ask whether it is assisted or honestly or usefully served by a peasant, nobleman, a *comes* [lord], or a prince, but rests satisfied with the deed itself, without considering lineage.¹⁴

The author thus claims that not only is it possible for everyone to serve the Commonwealth 'honestly', but also that the latter should treat all of its servants equally. Orzechowski adds two examples of representatives of the burgher estate, who attained the high posts of senators and Churchmen. One was cardinal Stanisław Hozjusz, bishop of Warmia; the other was the well-known historian Marcin Kromer, successor to Hozjusz in the same diocese. Both their careers, Orzechowski maintained, deserve great praise.

An even more vivid attitude is represented by Modrzewski, who, like Orzechowski, acknowledged that virtue plays an essential role in the state.

13. Orzechowski 1972: 403 (Aristotle 2000, II, 8, 9, 7, 2).

14. *Ibid.*: 415 (Cicero 1989, 51).

The Commonwealth must be governed by good mores, which can be observed only by people who adhere to the virtues of justice, moderation, valour and sensibility. The author rejected restrictions stemming from birth in a privileged estate, and declared that each person contains sparks of common sense and virtue, which can be kindled by suitable upbringing and formation of the intellect accessible to all (Modrzewski 1953, Book I, ch. 5).

The perfect state, as envisaged by Wawrzyniec Goślicki, is composed predominantly of good citizens, acclaimed for their virtue. Goślicki followed Polybius and Cicero and argued that such persons of great virtue should in particular include senators.¹⁵ The author wished that the *populus*, who took part in governing the Commonwealth, would be comprised of citizens distinguished for excellent birth, noble status and virtue. On the other hand, he emphasised that the *populus* should not include artisans, peasants and merchants, but solely citizens born free and of noble origin. The issue at stake is a perfect state, a condition attained when the people are content. Since contentment is the outcome of virtue, it follows that the state should be ruled by people inclined towards virtue, happiness and nobility of spirit. Neither peasants, merchants or artisans are suitable since, in the opinion of Goślicki, their life is mundane and not conducive to virtue. Nonetheless, particular representatives of the *plebs*, owing to their virtues, could be promoted to the civic status. Because of ‘natural’ causes, such advancement would remain impossible for wider groups (Goślicki 1568, fo. 196).

The views expounded by Krzysztof Warszawicki concerning the role of virtue in the state did not differ from those of his predecessors, although he was more of a pessimist. Warszawicki held the opinion that the majority of people do not distinguish virtue from vice, and that it is necessary to reward the good and punish the evil. Only in this manner is it possible to ensure justice, which enables kingdoms to flourish. Moreover, he maintained that both the oligarchic and the democratic states value the number of votes more than the virtue and worth of arguments. Warszawicki did not connect virtue and honesty with birth or noble status, and in the treatise *De optimo statu libertatis* he wrote: ‘Wherever they are attributed, the virtues are born and even more esteemed as nobility.’ Noble descent in itself is worth little without virtue (Warszewicki 1598: 30, 29). The belief that true nobility consists not of lineage but of personal merit is encountered also in the writing of Modrzewski and Andrzej Wolan (Wolan 1572).

15. See Polybius 1989, vi, 10–18 and Cicero 1988, II, 69.

Similar convictions about virtue were put forward by Sebastian Petrycy of Pilzno, who in his commentaries on Aristotle's *Politics* declared: 'The town and the Commonwealth are based on virtue and decency and not on malice, and thus the Commonwealth is created for the virtuous and decent life... Virtuous life is observed most of all by the city, which punishes bad burghers and rewards good ones with honours' (Petrycy 1605: 289). This author too distinguished true nobility, based on virtue, from its counterpart, nobility based on birth:

There exists a dual nobility, originating from parents and birth, which consists in the proclivity of the mind towards all that is good, and the one which stems from virtues, which consists of the constancy of human will in good causes. Birth provides certain people with great supremacy in good matters, while others – in low and wicked, which have nothing in common with honesty and that which is good and decent.

Such negative features are also characteristic for a person of noble birth (*ibid.*: 61).

Szymon Starowolski, a man of letters from the first half of the seventeenth century, adopted a similar point of view on the significance of virtue in the Commonwealth. In *Reformacyja obyczajów polskich* (Reform of Polish Customs) (about 1650) he argued that virtue and the fear of God should be the principal foundations of the state. Virtuous citizens are to love their native land above all else, to multiply public wealth, to avoid private avarice, and to protect the state frontiers:

As Demosthenes said, each state diminishes when its citizens become wealthier than the joint treasury, and when people are more concerned with their own affairs than with the common wealth of all citizens, and especially those who are superiors. And the Greek orator declared: 'As the private wealth of those who hold public office grows, so it is just as certain that the public good is diminished. And truly, it should be the aim of each good person to take much more account of the public good than of private profit.'

(Starowolski 1991b: 298)

In *Robak sumienia złego człowieka niebogobojnego i o zbawienie niedbatego* (The Worm Gnawing on the Bad Conscience of a Person Impious and Negligent of Redemption) Starowolski likewise distinguished between nobility due to birth and to the spirit. At the same time, he stated that *vera nobilitas* (true nobility) is the outcome of virtue. 'To be a nobleman signifies nothing

more than to be distinct from the common man owing to virtue, valour and courage. The reason why a nobleman is known in Latin as *nobilis*, noble, is that he is *notabilis*, noteworthy, above others by means of his virtue' (Starowolski 1991a: 264).

Opinions pertaining to the role of virtue, held by the Polish political writers of the Commonwealth during the sixteenth and seventeenth centuries, were extremely similar. Their resemblance was the effect, predominantly, of the reception of Aristotle and Cicero. References to the writings of contemporary European scholars were much less frequent, although their works were undoubtedly known. The most often cited views were those of the Italian humanists (with the exception of Machiavelli) and Lipsius. The popularity of the latter is testified by the fact that one of the Polish men of letters, Szymon Starowolski, became known among his contemporaries as the Polish Lipsius. A confrontation with the system of the democracy of the gentry reveals an interesting uniformity of convictions as regards the relations of virtue and social origin as well as the openness of civic status. After all, the Commonwealth of Two Nations was a civic state, albeit civil rights were reserved for the gentry. The state law, however, was familiar with the institution of ennoblement, which could be, and was, enjoyed by individuals acclaimed for their service for the Commonwealth. The lofty theory proclaiming that the personal virtue of a plebeian predestined him to civic rights and to holding state offices to a certain degree coincided with the legislation and praxis of the political life of the Polish-Lithuanian state. The views propounded by the political theorists were by no means considered outrageous.

The evolution of the concept 'Commonwealth' was of fundamental importance for the practice of public life and political theory. It is significant that the semantic identification of the Chamber of Deputies and the Commonwealth originated at the time of the bitter political fight of deputies with senators for the so-called execution of the law. The assertion that the Chamber of Deputies represents the Commonwealth was an important political argument justifying the drive to increase the importance of the lower house of parliament. It is interesting that senators rather quickly (already in the middle of the sixteenth century) accepted the point of view of the rank and file nobility. Political writers also almost immediately adopted it for their own.

An even greater political role was played by the concept 'Commonwealth' in the sense of the nobility as a whole. This formula, which appeared not later than 1587, made a real career during the Zebrzydowski rebellion, (*rokosz*), during which it became the main argument legitimising the actions of the seditious nobles. In 1606–7 Mikołaj Zebrzydowski, *voivode* of Krakow, and

his supporters rose up not only against king Sigismund III, but also prevented the Sejm from functioning properly. They could not be content with using as a justifying argument the article in the Henrician Articles of 1573 concerning the withdrawal of obedience, called 'De non praestanda oboedientia', which released the nobility from the oath of allegiance in the event of the king's failure to abide by the articles. The theory of *monarchia mixta* did not suffice either, because the nobility opposed the king and the Sejm hardly questioned the latter. The rebellious nobles needed something more. This could only be an interpretation of the concept of the Commonwealth that equated it with the entire nobility. The usefulness of the concept derived from the fact that, according to the theory, the assembly of the rebels was supposed to assemble the entire nobility. Thus the ideology of the rebels, which was formulated on the spur of the moment at numerous assemblies of nobles and promulgated in numerous political publications, stressed that the highest authority in the state belonged to the community of the nobility, which, taken as a whole, constituted the Commonwealth. A succinct definition of the legal order of the rebellion was expressed by its leader, Mikołaj Zebrzydowski, *voivode* of Krakow: '... there already exists a Commonwealth, which prescribes to the senators, to the kings, to our lords and puts into force what it wants, before which for this time other courts fall silent, indeed from the highest to lowest magistrate; as has been said, the *fascēs* have been lowered,¹⁶ before anything whatsoever in this rebellion (*Rokosz*) takes place concerning the highest matter, *de summa rerum*, and makes everything legitimate' (Zebrzydowski 1918: 234). Such a Commonwealth stood above both the king and the Sejm. In the proposals of the rebels one can see elements of the sovereignty of the nation of the nobility within the state. In this way a connection was made with a conception that can be found as early as the first decade of the sixteenth century in Stanisław Zaborowski's *Tractatus de natura iurium* (1507).

A few words should finally be said about the civic consciousness of the nobility. Its sources lay on the one hand in the reception of the republican tradition of ancient Rome, and on the other in political experiences gained during the fight with the Senate. As early as the middle of the sixteenth century the concept of the free citizen (*liber civis*) appeared living in a free Commonwealth (*libera respublica*) and enjoying his inalienable rights. Civic consciousness was based on an extended system of values. In analysing the political values of the Polish, Lithuanian and Ruthenian nobility it would be hard to find a particular hierarchy of importance. However, one can single out the values

16. This saying refers to the bundle of rods carried by the lictors, the attendants to a Roman magistrate.

pertaining to the relation between citizens and authority and those which, by their nature, refer to various aspects of social and political life. The system was made up of closely linked categories of freedom and equality. Around them, creating the external sphere of the system, were values ensuing from previous choices, such as brotherhood, limited exclusively to the nobility, love of country, legality of behaviour in public life, the ideal of mutual understanding and respect for tradition. Methods and rules of political struggle were closely bound up with this system of values (Opaliński 1995: 80 and *passim*).

As early as the sixteenth century political struggle could be conducted by means of legal argumentation or by appealing to the system of civic values that the nobility had managed to impose on the senators from the middle of that century. Specific political theories were mostly created *ad hoc* during the course of the struggle and for its requirements. The vast majority of political writers were not scholars but politicians who played an active part in public life. The legal analysis of the commonwealth and the system of civic values were steeped in the language of Roman law, Aristotelian politics and Ciceronian citizenship. Employing the resources of their humanist education, nobles, deputies and theorists developed distinct republican conceptions of the Commonwealth, of democracy and of citizenship.

Part III

The Republican Constitution

From the Crisis of Civil Culture to the Neapolitan Republic of 1647: Republicanism in Italy between the Sixteenth and Seventeenth Centuries

VITTOR IVO COMPARATO

The republican experiment which took place in Naples in 1647–8 has led to a thorough historiographical investigation of the internal and international causes of the revolution, and, more recently, of the political models which were discussed and adopted during the republic's brief existence. However, the foundations of the 'civil' culture on which Italian republican sentiment was built have thus far been neglected. Contemporary chroniclers and historians saw the choice of a republic as surprising and unlikely, as if the experiment were out of place, in an Italy dominated by the Spanish monarchy and by princely régimes, and outdated, given that the Renaissance tradition had become obsolete and republican political culture had dried up.

In effect, a subtle process of erosion of political principles had already struck at the heart of the 'civil' tradition from the middle of the sixteenth century onwards. This erosion signalled a divorce between *politeia* and everyday politics which was peculiar to the writers of the age of reason of state. 'The language of politics as civil philosophy was manifesting ever clearer signs of weakness' (Viroli 1994: 155). The insistence on the power of the prince, characteristic of Counter-Reformation political literature, had considerably obscured the pre-eminence of *civitas*; in treatises, 'civil virtue' had been replaced by political prudence, the 'citizen' by the subject, transparency by dissimulation. Nevertheless, it cannot be said that every element of the republican model (and vocabulary) had failed: even in the period most unfavourable to republican ideals there was a lively awareness of a 'profound conflict between two opposing cultures and conceptions of reality' (Bouwmsma 1968: 337). If we look for the sparse fragments of civil philosophy in political texts, we cannot fail to note the intense activity which nevertheless took place between the sixteenth and seventeenth centuries, whether in defence of civic tradition, attacking the cornerstones of monarchic reason of state, proposing

anew the 'heroic' ideal of the citizen, or bearing new elements of knowledge of European republican forms.

I. In Defence of Civil Life

Paolo Paruta's dialogue *Della perfezione della vita politica*, published in Venice in 1572, is the most revealing and influential textual example of resistance to the erosion of the civil ideal to appear in the second half of the sixteenth century. The author's polemical aim is clearly directed against the moral and philosophical premisses of political scepticism. Moralists of Paruta's time (Bernardo Segni, Alessandro Piccolomini and Sperone Speroni), linking the moral elements of Aristotle with platonic philosophy, also praised the active life and civil virtue as the ideal of the perfection of man (Garin 1966: 749). This was an echo of the moral philosophy of the Renaissance, not necessarily linked to a definite political form. The element of sociability had by then achieved autonomy from the political sphere. The link between the term 'civil' and *civitas* as political involvement and self-government is, for example, absent in Stefano Guazzo's important work *La civil conversazione* (1574): being civil is no longer 'linked to *status* . . . it is especially linked to a form which concerns the "quality of the spirit", that is *habits* and *manners*' (Guazzo 1993: xxxi).

Paruta's outline, on the other hand, aims to restore political meaning to the term 'civil' and to separate civil virtue from the sphere of habit, good courtly education, and indeed custom. The other enemy of civil life, just as insidious and corrosive, was the meandering neostoicism of the late Renaissance, which suggested that the wise man should lead a life apart from the world and eschew political involvement (Skinner 1978: II, 278 ff.; Van Gelderen 1990: 206 ff.; Oestreich 1982). For Paruta civil life demands a precise moral philosophy: the dialogue therefore shifts from moral philosophy towards political philosophy and from this towards the determination of the best form of the state. At the centre of moral philosophy is the virtue of prudence, an intellectual virtue, which consists in the mastery of the will by the intellect. The prince of a state does not make decisions without having listened to the opinions of his councillors (Paruta 1964: 308–9). A good will is not enough; it needs to be informed by reason. Reason, for its part, serves to moderate and direct the 'appetites', which form part of human nature. Thus one reaches a state of 'quiet'. Paruta hastens to declare (in the words of his spokesman in the dialogue, the Venetian ambassador Suriano) that this quiet is very different from the contemplative life: its aim, in fact, is to

regulate man's actions according to the rule of reason (p. 321). Paruta denies that absolute, purely contemplative happiness, is in the reach of man. The task of prudence consists in directing human actions towards a virtuous task, that is not some inconceivable individual happiness, but a much more reasonable 'civil happiness'.

The shift from moral philosophy to political philosophy occurs, therefore, in an Aristotelian manner, placing political involvement in the moral-rational sphere, and not in the sphere of 'appetites', passions and interests. 'Our duty to our country is immense', says ambassador Suriano. 'It is a company of men, not formed by chance for a short time, like a group of sailors, but founded by nature, confirmed by election, at all times dear and necessary.' Man is a political animal, and therefore 'whoever tries to release himself from the bond with which nature has so securely tied us because he wishes to lead a freer life, shows himself unworthy not only of the name of wise man, but of man itself; there is no more proper and natural thing than to be sociable' (Paruta 1964: 150–1). It follows that for Paruta there is no virtuous behaviour which does not include the duty of civil life, as a result of the reasonable calculation of the virtuous man that it is not necessary to submit oneself to political organisation as dictated by reason and nature, except in order to avoid falling into the condition of brutes. To the objection that political life implies 'slavery of oneself' and the risk of one's fortune and property, Paruta responds that that may happen in corrupt states, but not in good ones; whoever gives himself to civil life, guided by virtue, has nothing to fear, not even from misfortune (pp. 155, 161).

Republican political philosophy rejects the opposition of passions and reason, opinion and knowledge, custom and virtue, which was the theoretical foundation for the decision of the wise man to separate himself from civil life. For example, Paruta seeks to remove love of one's country from the sphere of custom, denying that such love is a feeling instilled in the people by the founders of the state, in their care to consolidate their power (p. 350). Using monsignor Barbaro as a mouthpiece, he pronounces that this sentiment is, rather, innate and natural, civil life being an essential component of human nature and a condition of enjoying 'civil happiness'. With regard to the literature of etiquette, which identified virtue with polite habits and with a communication suited to circumstances and good manners, the Venetian writer introduces the concept of respect for truth. Thus the practices of dissimulation and simulation, the two pillars of social hypocrisy and Counter-Reformation Machiavellianism, are also condemned (pp. 410–12).

The primacy of transparency and the subordination of material goods, interests and noble status to the public sphere are in strict parallel to the subordination of individual desires to the sphere of reason. The foundation of *civitas* is not therefore an element of force or power, whether concentrated or divided, but of reason. And reason is personified to the highest degree in the realm of law: ‘whoever commits the government of the city to the law, more or less entrusts it to a god, since law is almost completely separated from passions’ (Paruta 1964: 543). Ethical rationalism therefore leads to an overturning of the Aristotelian hierarchy of good forms of state. In Paruta’s dialogue, ambassador Suriano is inclined to recognise that the roughest and most primitive men had given their leaders a monarchical power when societies began. With the progress of reason, a form of state identified with reason is reached, namely an aristocratic republic, characterised by the sovereignty of law and by the government of the best.

By placing the republic of free citizens, governed by the best, at the end of an historical evolution which goes from the negative towards the positive, Paruta radically distances himself from two fundamental arguments of monarchical political thought, both triumphant in his time: the theological argument, which links the civil order to the divine order of the universe; and the naturalistic argument, which posits paternal power as the natural model of all power. Indeed, the dialogue concludes with the revival of the principle of the mixed state, perfectly represented in modern times by the Venetian republic, as by Rome, Athens and Sparta in ancient times. In reality, the subject of the mixed state concealed the distance (by then significant) noted by Paruta and by other authors of the Venetian ‘myth’ between the Venetian republic and the ancient ones, especially the Roman republic. This late-sixteenth-century Republicanism took Aristotelianism and Platonism as starting points, and also Polybius for the theory of the mixed state, but not Machiavelli, from whom it differed on the fundamental judgment about the rôle of conflict between nobles and people in ancient Rome and the negative verdict on aristocratic government. Moreover, the Venetian writers thought that they had the best possible form of government among republican forms of state, as Sabellico, Contarini and Giannotti had written. The conflict which divided ‘new’ nobles from the old nobility in Genoa at that time, and which had found expression in *Della repubblica di Genova libri II* (1559) by Oberto Foglietta, the supporter of anti-oligarchical reforms, did not attack the structure of Venice’s decision-making organs, but only the balance between their powers.

II. Republican Political Prudence

The tone of republican discourse therefore remains mainly philosophical and not institutional. It starts from the moral premisses of political life, keeping a clear distance from the evolution of principles and values which are oriented towards the identification of politics and power. One of the fundamental points, it seems to me, is the different evolution of the notion of political prudence. One significant way to sanction the superiority of the principedom to the republican form, displaying figurative means, was seen in the *apparato* built in Florence in 1565 on the occasion of the marriage of Francesco de' Medici and Joan of Austria. The design, by Vincenzo Borghini, consisted of a triumphal arch culminating in a statue of 'Civil Prudence', defined by Borghini as 'political virtue, which consists in knowing how to govern and keep a state quiet, peaceful, stable and happy' (Scorza 1991). Recalling republican civil virtue, Borghini was in fact identifying it with the prudence of the absolute ruler, alluding to the passage of the Roman republic to the empire, in which Augustus was the incarnation of that 'sole sovereign and principal Virtue, or Civil Prudence, queen and teacher of a sound rule and government of peoples and States'.

In the second half of the sixteenth century Aristotelian prudence, that was indeed the sovereign and principal virtue, was imperceptibly passing from being regarded as a civil virtue, common to all reasonable men, to a political gift, granted only to the prince. The separation between the ethical, economic and political spheres split the citizen and head of the family from the politician. In turn a progressive slide in the Aristotelian notion of prudence occurred: originally a ruling virtue and check on the appetites, it became a means of ruling subjects, understood as bearers of passions and interests which were potentially dangerous to established power (Borrelli 1993: 257–60). From this springs the tendency, in republican works, to prevent this slide and to maintain the Aristotelian link between ethics and politics in the treatment of the principles of prudence.

For Paruta, prudence is therefore the greatest of the virtues: not the 'natural' quality which is exclusive to the few, but rather the social virtue *par excellence*, divided among men according to their level of reason: 'It can therefore be truly said that it is the duty of prudence to direct to a virtuous end whatever operation, having regard for the public good of the city, the family or one's own good; thus there is no time, no place, no state, to which this virtue is not convenient' (Paruta 1964: 226–7). When the virtue of prudence

is exercised in the political sphere, for the ‘public good of the city’, those who possess it to the greatest degree are naturally chosen. For Aristotelian republicanism there is no doubt that this selection is the guarantee of the good government of the state. The distribution of offices and magistratures is supposed to be perfect in the republics of *optimates*, where there is the greatest conformity between the government and the best (p. 368). In forms of mixed states, as in Rome, it is necessary to leave the way to public office open to the popular class, but Roman experience shows that, in that case also, the ablest are naturally chosen.

Prudence, therefore, in its nature as a fully human capability and virtually an extension of the management of oneself and of the family and the state, is evidenced in the collective selection of magistrates. In a political text apparently addressed to the principedom, like Giovan Francesco Lottini’s *Avvedimenti civili*, published posthumously in 1574, the rigorously Aristotelian notion of prudence leads the author to opt for the supremacy of aristocratic republics in the management of magistratures. The institutional model of the Venetian republic retains all its prestige, even for the writer who had worked as a secret agent for the grand duke of Tuscany. In effect, Lottini has a very clear perception of the difference between the state and the government, between the *respublica* and the exercise of the magistratures. The person who incarnates the *res publica* cannot really administer the state: a prince would be obliged to confer the exercise of government and justice to magistrates he has chosen. This is the case with the Maggior Consiglio (Great Council) in Venice: in fact, the power of the *civitas* lies neither with the Doge nor the Council of Ten, but with the Consiglio Maggiore (Lottini 1941: 192). In a popular republic, the sovereignty of the *civitas* lies with the masses, and it is clear that they cannot spend all their time meeting and taking decisions. Lottini does not ascribe a particular primacy to princely prudence; rather, unlike most other Counter-Reformation writers, he is inclined to recognise that prudence is not confined to individuals, but extends to all the people: ‘in popular states, men of the lowliest condition – those to whom one would pay no attention as individuals – make many wise, praiseworthy decisions as a group . . . the whole people becomes as it were a very intelligent man, with many memories, many eyes and many hands . . .’ (p. 185).

Faith in the prudence of the people as a political community is the specific characteristic of polyarchic theories, just as the devaluation of the *populus* and the concentration of political prudence in the prince is the characteristic of monarchic theories. Prudence for Botero is the same Aristotelian virtue, intellectual and able to guide actions, as it is in Paruta and Lottini, but, as a

political virtue, it is the preserve of the prince. Indeed, for Botero, subjects (divided into their three traditional categories of poor, middle class and rich) are not at all public-spirited. The middle classes ‘are usually the quietest, and the easiest to govern’ (Botero 1990, Book IV, p. 115). The other two classes are to be feared by the prince, however, since they are both inclined to evil. Prudence in government therefore corresponds largely to the ability to control and keep in check and, in the case of uprisings, to calm and satisfy. The sphere of prudence (the political sphere) is safeguarded by secrecy: ‘. . . councils of Princes, when they are secret, are full of efficiency and ease: but if they come to light, they lose all vigour, and facility . . .’ (Book II, p. 66). In the evolution of theories of reason of state, the following step was also taken: Frachetta (*Seminario de’ governi di stato e di guerra*, 1617) declares that political prudence is a very different thing from the prudence of which Aristotle speaks in the *Nicomachean Ethics*, ‘because the latter is fitting for all men, as men’, while the former ‘is about the government of the City, and States, and is fitting for the Prince as Prince’ (Borrelli 1995: 192). Reason-of-state writers thus consecrate the ‘new claims to autonomy on the part of prudential reason of state’ (*ibid.*), even if also forcing themselves, because of their greater or lesser deference to religious principles, not to stray too far from the ‘honest’ and to retain ‘wisdom’ as the chief of virtues (De Mattei 1979: 143).

However, the question of principle did not lie only in knowing if the prudence of the prince involved departures from law and from morality, but also if it were, or were not, of the same type as ‘civil prudence’, characteristic of the citizen who is free, reasonable and virtuous (in the sense of being dedicated to the *res publica*). And actually it was not, since at the heart of the prudential principles of reason of state, and in contrast to ‘civil’ tradition, there was a split between the interest of the politician in retaining his own ‘state’ and the interests of the *res publica*. Indeed, the Genoese Ansaldo Cebà felt the need to warn in his *Cittadino di repubblica* (1617) that ‘since prudence is an active habit using true reason, and therefore linked to moral virtue, it is not the same thing as opinion, or cunning’: the former is aimed solely at the right end and the latter at no matter what end. For Cebà, the ‘management of oneself’ cannot be separated from that ‘of the house and of the republic’ (Cebà 1825: 49).

III. Cebà and the Restoration of ‘Civil Virtue’

Because of the risks involved in separating politics from morality, ‘republican’ prudence prefers to call on Aristotelianism rather than to draw the ancient notion of virtue from Machiavelli. On the other hand, Counter-Reformation

anti-Machiavellianism had succeeded in stereotyping the author of *The Prince* as the champion of the crudest reason of state. But the theme of ‘civil virtue’, a fundamental *topos* of republicanism, recurs in political thought because its philosophical-moral foundations were threatened. Cebà is aware that republican virtue can lose its way, as demonstrated by the history of Rome and the general decline of morality. From this ‘restorative’ idea springs the pedagogical project of the *Cittadino di repubblica*. Liberty presupposes knowledge and for Cebà ‘there are few today who can truly call themselves free, since those who gain knowledge from their liberty are rare; knowledge consists in rules which belong to all who are born in a free city, and it is therefore necessary that they should be diligently studied, not by the few, but by all’ (Cebà 1825: 1–2). In fact, Cebà takes up Paruta’s ethical intellectualism, and adds technical elements ascribed to the art of government in treatises on reason of state. The ‘citizen of the republic’, in fact, should know foreign languages, the art of rhetoric, natural sciences, mathematics and moral philosophy. The most important part of the latter, of course, is political science: ‘... learn what the city is; its component parts; how the republic is constituted; its form; its types and their qualities; what its aims are; which are the best forms; what laws regulate their conservation; what reasons destroy them’ (p. 29). All this can be learnt from books and, since history is an integral part of political education, the citizen of the republic should not exclude Tacitus from his reading, since it is through knowledge of tyrannical wickedness that he can strengthen his love of liberty. The context allows us to infer that the pious Cebà did not exclude Machiavelli at all (although he could not name him), the more so because his citizen also had to learn the art of war.

Cebà’s school of liberty appears to be the reversed mirror of the school of government of princes; they are similar in theme, but opposite in their aims. Even the series of traditional virtues – fortitude, temperance, generosity, munificence, magnanimity, constancy, mercy – were commended to the good prince in all treatises. But the republican moral school marked itself out in that every citizen and not just the prince should reach this moral target, and ‘anyone who wishes to raise his republic to the highest level of civil happiness’ should do so ‘heroically’ (Cebà 1825: 138–9). Plutarch, Livy, Sallust, Cicero and Tacitus provide examples of this citizen-hero, in truth not so much inclined to the dangers of war as to the arts of conversation, friendship and politics. A few passages of singular austerity prevent us, however, from identifying Cebà’s citizen with the well-educated courtier: the citizen, in fact, is bound to ‘truth in speaking’, should ensure that his actions match his words, and should be consistent. Above all, he should be careful to avoid

the ‘conversation of women’, because love, that disordered passion, which Tibullus and Petrarch described so well, prevents the acquisition of qualities which are useful for governing the republic (pp. 218 ff.). Leaving aside the many pages in which Cebà elaborates on his personal political misogyny, it is worth considering the coherence of his republican model with regard to the cornerstones of civil liberty: the citizen respects the law even if he finds himself in a position of authority; he does not come to terms with those whom he governs to the detriment of the interests of the republic; the republic, in fact, is greater than him and lasts for longer than he does; if granted a magistrature he retains a severe attitude, but one which ‘distances itself from lordly pride, and embraces the equality of all citizens’ (p. 301); he should withdraw from public life when old age or infirmity prevents him from properly serving the state. In summary, the citizen ‘should always, in a way, be in love with the liberty of his country; always sincere in the execution of his duties; always upright in the enforcement of laws; and constant in his exercise of civil virtue, whether in prosperity or adversity’ (p. 331).

IV. ‘Civil’ Liberty in Boccalini

Cebà quotes the classical republican ideal at the height of the seventeenth century, proposing the model of the *civis* of an austere republic, which barely resembled the ‘slothful’ Genoa of his time (Costantini 1978: 142). To speak of republican liberty, at the beginning of the seventeenth century, was to use a concept which was not at all clear. In fact, the more republican thought insisted on the internal order and stability of the political class, the less were apparent the differences between republics and princedoms. That the liberty of a republic was something different from its independence – whereas for Machiavelli the self-government of citizens was the core of the republican form of the state (Skinner 1990a: 301 ff.) – was an ever weaker concept in the constituent texts of the Venetian myth. Liberty is an ambiguous concept in Traiano Boccalini’s *Pietra di paragone politico* (1614), in the passage in which the author constructs an image of Genoa as a prostitute who has sold herself to the Spanish, losing ‘relations with the glorious Venetian republic’ and the other ‘most pure and free’ Italian and European republics: love of money had sadly transformed mere intrigue into real slavery (Boccalini 1615: A3^v–A4^v). Here liberty is used in the strictly politico-international sense: Genoa has not lost its own formal independence, nor changed its constitution, but has allied itself with the monarchy most hostile to the group of

European republics. A little further on, while censuring the ‘Most Serene Venetian Liberty’, the concept is clarified, since Boccalini introduces the theme of the abuses of power which young Venetian nobles committed to the detriment of other citizens, who thus suffer, by ‘many tyrannies’, the same fate as those subjected to ‘the whims of a Prince’ (p. 13^v). Liberty in this case is civil liberty, that is the right to be subjected only to laws. The contrast between the monarchic model and the republican model is explicit, and lies in the difference between the abuse of power and the certainty of the law. But for Boccalini, the much published and widely read author of the *Ragguagli di Parnaso* (1612) (cf. Firpo 1965), civil liberty is not a plant which can be easily planted where peoples have lived in slavery. This Machiavellian theme (*Discorsi*, Book XVI) is developed in detail in *Ragguagli*, I, (Boccalini 1948, cent. I, rag. 39 (vol. I, pp. 141–7)), where the author imagines that the island of Mytilene needs to choose a government, and decides to live in liberty. It asks Venice for the laws needed to institute a republic. Liberty is a precious gift, says Boccalini, because it demands citizens who are trained to live in freedom. It demands that justice be observed in decision-making; that people reserve all their love for their country; that they put public interest before private interest; that they be willing to ask their inferiors for their vote; that they be reserved, and in general have all the habits worthy of a free man (*ibid.*: p. 143). All this is not learnt from laws, but is absorbed with mother’s milk. In fact, the citizens of Mytilene, who take home the constitutions of Venice, immediately find that they cannot endure them: the nobles are not inclined to accept so many austere sacrifices, and prefer to beg favours from the monarch; the people do not accept being excluded from the government. Therefore they return to a monarchy, to which the only alternative is a liberty without laws (*ibid.*: pp. 146–7).

Boccalini attributes all the civil virtues, without reservation, to the Venetian nobility, a nobility ‘so devoted to living in freedom, that it cheerfully puts public interests before private benefits’ (Boccalini 1948, cent. I, rag. 5 (vol. I, p. 23)). For Boccalini, though, admiration for the Venetian model is similar to the contemplation of a rare plant that cannot be transplanted. His was a republicanism laced with pessimism, and the idea of civil liberty was not extended further. For example, he shows himself to be totally opposed to religious freedom, and condemns Bodin for having supported it. He does not think of the popular classes as possibly active in the government, but simply as subjects, to be kept quiet with bread and the avoidance of excessive taxation. He includes the Council of Ten and its secret procedures in

his praise of Venice. Many different parts of the *Ragguagli* are also indicative of his generic philo-republican sentiment, where he speaks disparagingly of princes and monarchies. Princes trick the people, fleece them like lambs, refuse to make themselves cultured and virtuous out of laziness and the habit of power (*ibid.*, cent. 1, rag. 35 (p. 129)), think of nothing but their own interests (*ibid.*, rag. 77 (pp. 266–7)), secretly follow the principles of reason of state, and are suspicious, lying, and ungrateful. The difference between dependence on the will of one man or on the law is, however, very clear to Boccalini. But, in the end, his pessimism touches the whole political sphere. Therefore, for Boccalini, civil liberty remains the privilege of ancient republics, or a Utopia, and not a political objective which is realizable in his own self-interested and violent age (*ibid.*, cent. 1, rag. 23, (p. 68)).

v. Zuccolo, Settala and Republican Reason of State

Even for opponents of reason of state it was difficult to argue that it had not entered into common thought and corrupted political habit. Ludovico Zuccolo's little text, *Della ragion di stato* (1621), is particularly important for this: it contains a frontal attack on Botero's definitions and denies the identification of politics and reason of state. A prince can decide to 'conserve', or 'enlarge' his own state, just as a popular republic, tyranny, or oligarchy can. If reason of state is, as Botero argues, 'information about the means' suitable for this end, its horizon is limited to a certain form of state, and concerns just that which is specific to that form, no matter whether it be good or bad. 'Politics', on the other hand, embraces the whole of the republic 'and as a consequence has regard for public good as well as private good, partly making use of laws, as its ministers, partly using itself to pursue its aim' (Zuccolo 1930: 31–2). The new development in this vigorous reaffirmation of Aristotelian politics is that reason of state does not have an intrinsic moral perspective, it is neither right nor wrong – a theme which exercised Counter-Reformation moralists – but it receives its perspective from the form of state in which it is practised. It will be good if the form of state is good, and evil if the contrary holds. It is true that good governments are rare and therefore the reason of state practised is almost always evil, but that does not prove that there cannot be a good version, *when it is in line with the aims of politics*. This condition, which includes by the above definition a respect for the law and the aim of the public good, equates in reality to a condemnation of contemporary reason of state, saved from the moralists as a 'derogation' from the law and from morality, in

the name of the interests of the state.¹ For Zuccolo it was pointless to attempt to establish the limits between which derogation was admissible, since ‘in proper republics reason of state is in perfect accordance with the law’ (p. 35). ‘Proper republics’ were Sparta, Rome until the third Punic War, Venice, France and a few other European princedoms and republics. Zuccolo’s Aristotelianism could not be confused with a weary reproposal of well-known Scholasticism. His point of view is contemporary; the anti-tyrannical theme is not used to strengthen the corresponding good form of state, but to evoke, with the words that Aristotle used for tyranny, the programme of absolutism of his time: to deprive subjects of their courage, make them suspicious of each other, and take their strength from them (pp. 37–8).

This interpretation of reason of state refused to identify it with politics and tended to reduce it to the modes of government of each form of state. It was not without consequences in its reproposal in treatises of the differences between republican and monarchical forms. This line was adopted by the Milanese Ludovico Settala using Zuccolo’s very words (Settala 1930: 47) and applied scholastically throughout one of his treatises, *Della ragion di stato* (1627). It had the consequence that reason of state gradually became less necessary the nearer one got to the perfect form of the republic. The idea of a universal aim of power (self-preservation), to be accepted as the natural law of every form of state, was crumbling and, in the end, being destroyed, in the perfect form of republic which is the *politeia* described by Aristotle. Settala makes us understand why Aristotle spoke so little of reason of state with regard to the *politeia*, and so much on the other hand of other political forms. In reality, in each of them, it was necessary to keep a dangerous enemy at bay: nobles, rich people, plebs, revolutionaries, the great. In the *politeia*, on the other hand, harmony reigns between classes, the right of election to magistratures is extended to the majority of the population, but only the ablest are elected. Offices are held for a limited amount of time and justice is carried out with respect for the rights of different parties and using persuasion rather than authority (Settala 1930: 117–18). If taxes are to be imposed, the great council should be convened to deliberate and make everyone understand why they are necessary. Since, says Aristotle, there are three classes of citizen – the noble and rich, the middle classes, and the poor – it is important to ensure that no class be deprived of office. And it will also be possible to rise from one class to another through merit. It is a principle of justice as well as of

1. But Italian reason-of-state treatise writers ‘had to admit that in common usage that which came to be understood by the term was indeed an evil doctrine which allowed the prince to pursue his own interests by whatever means, even if dishonest’ (Meinecke 1970: 120).

reason of state, because thus unrest is prevented and ambitions which would otherwise be dangerous for the life of the republic are satisfied, dangerous ambitions like those harboured by Pericles and Themistocles in Athens and Catiline and Caesar in Rome (p. 119).

Notwithstanding these Roman examples, the optimal form of state as described by Settala is a classical republic of a harmonious, non-conflictual type. He says this is very rare, but lasting. An element of modernity is provided by the emphasis on the dynamism of the classes, that possibility of rising to the top, which was the principle opposed to the oligarchical rigidity of Italian society. The republic 'of *optimates*' has the problem of how to protect itself from the people, while popular republics (a corrupt form of state, but less so than others) have to know how to administer the principle of equality wisely: brief magistratures, elected or drawn by lot, well spread out among all members and subject to checks. A republic based on the stability of its laws, on the avoidance of war, on the proscription of orators and preachers, which returned from time to time to 'ancient orders': a republic thus constructed does not emerge from Settala's description as a truly 'corrupt' form of state, although it may be more complicated to administer. Among other things, it was a form of government familiar in Italian experience, since according to him the republic of Lucca was popular (or democratic, to use the Aristotelian definition).

With the new 'reason of state' put forward by Zuccolo and Settala, Italian political thought was in reality in the process of devising a more flexible interpretive instrument than the classical theory of the forms of state in order to describe existing governments. Leaving aside the ideal republic of ancient history or theory, one form of government, with two distinct types, emerged: the aristocratic/oligarchical republic and the popular republic. The formal distinction between the two lay in the principle of sovereignty, the effective distinction in the governing class, which in the former was strictly noble, and in the second 'civil', 'middling', 'average', the class which, since antiquity, had been so appreciated by the eternal Aristotle.

VI. *Civitas* between memory and political model

In both models of republic, the governing class, laws, 'orders', councils, and magistratures presupposed a civic scenario: a *civitas* as defined by Isidore of Seville or Bartolus. The republics which existed in Italy were in any case forms of state which had evolved directly from the communal institutions of the Middle Ages (Mastellone 1993: xi). Even princedoms had been formed

by successive enlargements and compromises with the dominant oligarchies in the individual cities of which they were composed. It can thus be said that the importance of *civitas* as a political community, whether independent or subject to another power, was not destined to decline between the sixteenth and seventeenth centuries. If liberty was being lost, historiography took steps to consign it to memory and to find other forms of glory for the city; if preserved, to consecrate it forever; if secretly desired, to recall ancient institutions.

The historiography defined by Cochrane as ‘municipal’ is of the first type. It flourished in the last thirty years of the sixteenth century and in the first thirty of the seventeenth. Historians of subject cities, like Bergamo, Udine, Verona and Vicenza showed themselves to be quite content to find themselves under the government of the wise Venetians. And even historians of cities which had lost their liberty much more recently, such as Perugia, Bologna and Siena, adopted an interpretative scheme according to which the order and peace currently enjoyed were greatly preferable to past factions and insecurity. They therefore put forward a régime of submission to a central power, which left the law intact and kept magistratures for citizens, like a recovery of effective liberty, a defence against every possible dominion, external or internal (Cochrane 1981: 251). Pellini, who was from Perugia (*Dell’historia di Perugia*, 1627), held that in this way the flourishing of every art necessary for the decoration and splendour of civil life had been made possible. Florence’s historic task, wrote the historian Scipione Ammirato from Lecce, who was employed by the grand duke, had been essentially that of unifying ancient Tuscany, first as a republic and then as the capital of a principedom: a régime, indeed, where cities became more beautiful and flourished in population and arts (Cochrane 1981: 289–90).

For these historians, the removal from ‘civil life’ of that part of liberty which consists in self-determination and independence was compensated for by the hyperbolic exaltation of the antiquity, prestige and nobility of their respective cities. There was therefore nothing to stop citizens from exercising ‘civil virtue’ and from serving ‘the fatherland’: it was just that such an exercise had become the exclusive preserve of the nobility. Rumours of war were now distant; even the most sedentary historians – who were for the most part patricians themselves – imagined they could offer the greatest service to the ‘fatherland’ by finding for it some biblical or Trojan foundation, with the aid of epigraphs and etymology. The incomplete *civitas* of ‘municipal’ historians was the mirror of the closure of the patrician class and its political culture. The history of noble families was being superimposed on

the history of the city, and, in parallel, the importance of ‘virtue’ was getting weaker while that of blood got stronger; honour was substituted for liberty.

This was not the case in already dominant cities which had maintained their independence, nor in those which, like Naples, had developed the role of capital over the centuries. Venetian historiography, placed under the control of the Ten by means of the assignation of a specific office of public historiographer, did not stray from the principle of the defence of the interests of the republic and its liberty (Benzoni and Zanato (eds.) 1982: xxx). The historiography of the second half of the sixteenth century was the true foundation of Venetian identity, and it continued to outline, with the help of Sabellico, Giannotti and Contarini, the design of a *civitas* born free and sovereign, which had achieved true harmony in the wise mixture of forms of state, and, as a consequence, justice in government, virtue in public behaviour and wisdom in political decisions. Indeed, the equivalence of liberty, moderation and political wisdom is the image which is asserted ever more frequently as the seventeenth century approaches and arrives, and historiography takes on the task of justifying the political and diplomatic choices made by the republic. It was a sign of the changed atmosphere established by the politics of the ‘young’ in the last two decades of the sixteenth century and the first decade of the seventeenth: the retaking of the initiative, the proud defence of the state against Ottoman, curial and Spanish offensives (Bouwsma 1968: 193). We then note that in historiography, as in political thought, there is a tendency to perceive and present the republic more as a power than as an ideal political model. But Paolo Paruta, the intellectual protagonist of this era, is careful in his historiographical and political works to link the realism of the interests of the state with a defence of the republican model. In the speech which the doge Mocenigo gives in the Maggior Consiglio, on the occasion of the war of Cyprus, Paruta (*Historia venetiana*, 1605?) reproduces the *pathos* of classical republican historiography and outlines, at the same time, the new ideal image of Venetian liberty which was compatible with the age:

If ever at any time there were noble opportunities for the citizens of any republic to demonstrate the generosity of their souls, their desire for glory and for the common good, then your virtue is fervently desired for this noblest of fatherlands, in order to retain that splendour and dignity which the industry and continual labours of our forefathers acquired for it to their undying glory. By their merit . . . we enjoy such a republic which, by the excellence of its government, surpasses all the praises of ancient and modern republics . . . And since one could not add to the perfection of the conditions of the times, or

of the city or civil orders, which are all excellent, nor perhaps with military operations increase ancient glory, by widening the bounds of our dominion, which is surrounded by very powerful neighbours, we must instead with equal study and vigilance see to the conservation of the work so marvellously entrusted to our care, so that we may hand it on to our descendants in the same state as it was passed down to us.

(Paruta 1982: 51)

This is the thesis proposed in detail also in the *Discorsi politici*, where Paruta openly discusses the comparison between the Roman and Venetian republics. Having accepted the principle of the mixed state as the best form of state, the Venetian writer distances himself decisively from a Machiavellian interpretation. According to Paruta, Rome was not a truly balanced form of state. On one side, the power of the consuls was excessive; on the other, so was that of the tribunes of the people: the dispute between them did not serve to uphold the republic, but to weaken it. The republic was wholly ordered to expansion and conquest, and as long as it kept the form of ‘civil government’ which it had been given after the expulsion of the Tarquins, it could stand up to the wars and dangers it came across, but ‘the good and ancient customs being corrupted’, ‘the Republic ruined, and the form of government changed, it gradually lost, and finally exhausted, that ancient Roman virtue’ (Paruta 1943: 175). Rome stopped being a model for the present; this was also due to the fact that values of harmony and peace, rather than war and conquest, were more appropriate for the republics of the late sixteenth century: ‘Rome was mistress of the world; but she could not enjoy this greatness and prosperity neither for very long nor with peace for her citizens. But Venice, although with a fairly small state, has been secure from every domestic suffering, and with the marvellous union and concord of her citizens, she has been for so much time a unique example of the conservation of liberty’ (p. 241).

The fixed aim of Venetian republicanism at the turn of the century seemed that of keeping intact for future generations a perfect model of the state. The state is run on ‘*concordia ordinum*’, but in reality historians and politicians, distancing themselves from the political myth of equilibrium, were ever more suspicious of the ‘popular’ element. Pier Maria Contarini, the author of the *Compendio universal di repubblica* (1602), largely abandons the notion of the mixed state, accepting Bodin’s concept of indivisible sovereignty. Venice is a frankly aristocratic republic and therein lies its strength: ‘The state best founds its liberty in the state of *optimates*, where a large number rules for a limited time, with much less participation by the lower ranks of

the people. With such a character liberty is better rooted, more secure from civil disturbances and more safe from tyranny' (Contarini 1990: 34).

Pier Maria Contarini was ranked with the conservative party of the 'old'. But even Nicolò Contarini, a politician from the party of the 'young' and a fierce opponent of tendencies favourable to the Roman curia, who in 1620 was invested in his turn with the office of historian of the republic, makes no mystery of his profound mistrust of peasants and the 'common people'. His attention is turned to the state and to that part of the patrician political class which had not given in to the evils of the age: 'idleness, and its companions, pleasure and luxury, always hated as the cause of dangers to the happy city' (Contarini: 1982, p. 155). The decision was made in the Senate not to publish the works of Contarini, which circulated in manuscript form only, because of its harsh and sarcastic judgments of the Roman curia and its agents in Venice. In spite of being so little known, Contarini's work in fact continued to hand down a proud spirit of service to the republic, even in times of decadence. The liberty and truth of the historian are combined – as in Sarpi, councillor and historian of the Council of Trent – with this idea: that the republic is surrounded, in its clear and peaceful exemplariness, by the plots of potentates, by the perfidy of the Turks and the Uskoks, and by the self-interested, scheming enterprise of the Roman curia. What Pier Maria Contarini, like so many others in the course of the first thirty years of the seventeenth century, said of Venice (Cozzi 1963–4) is taken for granted: 'A well-ordered republic is more stable, prudent, pleasant and of better judgment, and rules much better than a principedom, and is therefore more long-lasting; it does not have to suffer the vicissitudes of good and bad government, which is the effect of succession in the principedom.' Moreover, it is wiser, more moderate, and fair (Contarini 1990: 43–4). Aristocratic republics are longer lasting than popular republics: in order to prevent them degenerating it is necessary to have a body like the Council of Ten in Venice, the Decemvirs in Rome and the Ephors in Sparta (pp. 35–6). Two variants of republicanism therefore end up being coessential to the Venetian 'myth'; they cannot be renounced, following the principle of the long life of states, a political value which dominated in the age of the Counter-Reformation: aristocratic government and the immutability of civil orders.

At the other end of the peninsula, in both the geographical and the political sense, a historiography flourished between the sixteenth and seventeenth centuries which was much more uncertain about the political model it followed. It was a 'municipal' historiography, but with a more general function, because of the dominant role which Naples held throughout the

kingdom. This historiography has been defined as ‘popular’, not just because it was not the work of aristocrats (unlike Venetian historiography) but the work of middle-class ‘men of letters’, but especially because it confronted the problem of a government of citizens in terms which were in open conflict with the noble monopoly (cf. Villari 1967: 104 ff.; Galasso 1994). Unlike Venetian historiography, which is inspired by the idea of continuity, the vector of conservative political values, popular Neapolitan historiography saw in the past a fracture and an abuse of power and thus implicitly suggested a political programme of restoration, that is of change. The clear elements of ‘municipal’ republicanism that may be seen there reveal, therefore, a much more direct link with Machiavellian republicanism: competition between nobles and people, a return to ancient orders.

The political context of the kingdom of Naples, under the dominion of the king of Spain, allowed historians merely to sketch the ideal government of the city, in which the monarch had to fulfil the function of a check and balance between the classes. Naples had been a sort of republic within a kingdom in the Middle Ages, according to Giovanni Antonio Summonte, the author of *Istoria della città, e regno di Napoli* (1601), the publication of which led to his arrest and the destruction of copies of the book. There was not then a noble monopoly in the government of the city, but a perfect parity between the patriciate and the popular order. The expropriation of popular representation, which came about in the time of Alfonso of Aragon, was seen by Summonte ‘as an unjust and violent deviation from a line which was identified with the very origins of the citizens’ politico-administrative organisation’ (Villari 1967: 112). Looking farther back, much farther than the Middle Ages, as was natural for scholars of a strong humanistic imprint, one found, in fact, not just an administration, but a republic. For Francesco Imperato (1604), Naples had originally been a ‘demarchy’ governed by nobility and people in a state of perfect equilibrium. It had been the nobility which had broken the equilibrium, just as had happened in Rome, leading to the end of the republic. In Imperato’s work, the reconstruction of Roman history from a clearly Machiavellian perspective was linked to the ‘popular’ political programme of the reconstitution of the balance between the urban classes, not without accompanying it with a condemnation of the processes of ennoblement which distanced middle-class citizens from the political tasks of their own class. And in parallel, Imperato showed that he did not share the universal admiration for the Venetian model, characterised by the unjust and dangerous exclusion of the people from public life (Imperato 1604: 37).

In effect, the more one looked to the past for the foundation of forgotten or curtailed rights, the more the original myth was transformed and with it the profound identity of the neo-Greek *polis*. Another historian-humanist, Francesco De Pietri, wrote in 1634 that it was well to consider that Naples was founded 260 years before Rome, and had lived as a republic until the time of Frederick of Swabia. A doge was elected, who could also be king of the kingdom, but his role as doge of the city remained an elective one. A model of the mixed state, similar to that of Sparta, was thus incarnated for more than two thousand years. Another historian on the popular side, Camillo Tutini (1742; first published 1642), although not pushing the republic of citizens so far back in time, held that Naples was also born as a ‘free republic’ and had known free government along the lines of Athens and Rome (Galasso 1994).

Historiography was therefore reconstituting, through a combination of erudite fragments, a specific republican myth of Greek origin, dissimilar to the Venetian myth not only because it had known discontinuity, but also because it had at the heart of its governmental project a profound aversion to hereditary aristocracy. Neapolitan jurists and lawyers returned to plead the cause of humanistic ‘virtue’, the only route open to them if they wanted to achieve civil government and to reconstitute on a modern basis the ideal type of the public man: a jurist-scholar, equally distant from the uncultured masses and the domineering nobility.

VII. European Republics

Despite the variety of political forms which seventeenth-century Italy presented to foreign observers, the aristocratic republic was the only form of polyarchic government which was properly visible, because all cities, whether free or subject, had been involved in a general evolution towards oligarchic rule. The ‘popular’ model of republic was drawn on to the institutions and practices of communal cities with ‘broad’ government, and with their anti-magnate laws: this was a model which had not been able to evolve in a territorial state. Italian republics, when they had not retained the dimensions of the city-state, had developed on the principle of the dominant city (Ascheri 1997). One had therefore to look beyond Italy’s borders to observe territorial republican forms of state which provided for political participation by the merchant and artisanal classes, an equal organisation of cities and the related mechanisms of representation. The sources of this knowledge were of a slightly different quality from the common political tract, the work of clergymen, secretaries and political agents, who were uninterested in the

problems of institutional structure. Defences of aristocratic republicanism, like those of Bonfadio (*De civilis administrationis optima forma disputatio, adversus oppugnantes aristocratiam*, Padua, 1611) and Sgualdi (*Aristocratia conservata*, Venice, 1634) repeated the traditional exaltation of the Venetian republic. Reason-of-state writers and commentators on Tacitus avoided the theme of the best form of state, or took refuge in a number of commonplaces, based on the current reading of Aristotle, which established the primacy of the monarchy. They considered the principle of the separation of government and governed to be beyond dispute, so the problem of a good form of state for them consisted in preventing the prince or a closed governing class from degenerating. From this sprang the great attention to and almost universal approbation for the methods of control adopted by the Venetians with regard to their aristocracy.

In the political culture of the seventeenth century, knowledge of European republican forms of state, and above all of the ways in which those considered 'popular' were organised, was made possible by diplomatic relations and historiography: these were writings which were less conditioned by anti-Protestant prejudice and, in particular, inspired by the intention of providing an objective description of institutional forms using an explanation of facts. Jean Bodin's *République* (1576), although placed on the Index, also had a certain influence, as did Botero's *Relazioni universali* (1595), and especially the series of 'petites républiques' published by the Elzeviers, from 1626 onwards (Conti 1997).

These texts permit a fuller knowledge of the Dutch and Swiss régimes. News of the formation of a new republic of the United Provinces had not failed to reach Italy but, until Guido Bentivoglio's *Relationi* (1631; first published 1629), the histories *Della guerra di Fiandra*, like those of Cesare Campana (Vicenza, 1602) and of Pompeo Giustiniani (Antwerp, 1609), had been greatly influenced by anti-Protestant polemic (Mastellone 1983: 7–9). Cardinal Bentivoglio was inclined, however, to consider 'love of liberty' as a serious political base, 'the wish to live in liberty being so natural in all peoples' (Bentivoglio 1631: 118). He described the new Dutch régime as 'part Aristocracy, part Democracy'. The issue of the duration of the republic was raised – the criterion by which the solidity of the form of state, and therefore also its hierarchy, was judged – and settled with an affirmative response, in particular because of the fact that the new form of state was not the result of a risky overthrow of a previous régime, but was the consecration of the existing state of self-government of provinces and cities. The republic could

therefore not just endure, but be strengthened, in the same way as that of the Swiss, who were also ‘inflamed with love of liberty’ and had therefore become so powerful as to induce fear in many monarchies (pp. 119–20).

As has been recently underlined (Mastellone 1993), it is impossible to overestimate the importance of Bentivoglio’s *Relationi*, and his history *Della guerra di Fiandra* (1640) as vehicles of knowledge of a republican political form which was middle class and not aristocratic, federal and representative. In the Dutch federation, wrote Bentivoglio, the centre of political power lay in the cities, and more precisely in the three orders of minor nobility, merchants and artisans; each province had its own States, where the cities were represented, each with two delegates, and a small number of nobles. The provincial States met three or four times a year, but, outside the sessions, a smaller elected council, with executive functions, remained in place. The States General represented the whole federation: ‘This great Assembly represents the sovereignty of the Union, and now holds that eminence above all things, where it once held the Prince in the previous form of government’ (Bentivoglio 1631: 17–18). It too was made up of two orders, nobles and deputies of the cities, the latter forming a large majority. The States General could number up to 800 participants; there was therefore a permanent council of provincial deputies to avoid over-complexity in decision making. The novel elements of the Dutch republican model emerge clearly from Bentivoglio’s description, which was perhaps in turn derived from Guicciardini’s *Descrittione* and Grotius’s *De antiquitate reipublicae batavicae*, but also the fruit of direct knowledge. These novel elements were the taking of decisions at the lowest level, since the orientation of citizens’ councils was a definitive factor; the federative principle, which obliged the provinces to reach unanimity in the States General; and the separation of civil and military functions.

This was a more modern structure than the republican model inherited from the ancient world, to which each republic had to respond. Showing the ‘virtue’ of its aristocracy or of the majority of the people, it was a feasible republic, founded on only two social orders – and therefore detached from the trifunctional paradigm – socially dominated by the middle and merchant class.

An equally objective and detailed description of the other model of a popular federal republic, i.e. Switzerland, was available in Europe via Josias Simler’s *De republica Helvetiorum*. This work dated back to 1576, but it was perhaps only effectively distributed in Italy when it was republished in the Elzevier collection. In reality, knowledge of the government of free German

cities, and of the cities and cantons joined together in the Swiss federation, was common and consolidated during the sixteenth century, even if accompanied by the condemnation which the Counter-Reformation reserved for all political forms which sprang from rebellion against authority and religious dissidence. Bodin was a great conduit of institutional knowledge of this and of the other forms of state in Europe, although, disagreeing with Simler, he maintained that Switzerland was not a unitary republic, but a collection of thirteen states allied to each other (Bodin 1961 Book 1, 7, pp. 110 ff.). How is Geneva governed? 'Its government consists in its citizens', wrote the historian Niccolò Contarini around 1620 (1982: 165), no longer feeling the need to condemn Calvin, who had given Geneva its celebrated civil laws.

In the Elzevirian 'petites républiques', the institutions of Switzerland, Holland and the Hanseatic League are described, and also those of Venice, ancient republics, and the *respublica Hebraeorum*. As Vittorio Conti has noted, in the first half of the seventeenth century 'the Germanic world in the broadest sense . . . looked to the model of Italian cities of previous centuries to reinforce the deep reasons for their existence and for their resistance in a politically alternative function to monarchic absolutism' (Conti 1997: 175). At the moment of the crisis of one of the absolutist monarchies of the peninsula, the opposite happened: the republican élite in Naples looked to those European models which had victoriously resolved that resistance.

VIII. Naples and the Search for a Republican Constitution

Among these models the institutions of the United Provinces were of course of great importance; they had been adopted more than half a century before against the same enemy as that of the Neapolitans. The revolution of 1647 had gone through a first, agitated phase: the so-called revolt of Masaniello, with a largely anti-fiscal programme which aimed to re-establish the balance of the government of the city, monopolised by the aristocracy, to the advantage of the 'popular' element. The second phase, during the summer of 1647, was nervous and confused, and culminated with the bombardment of the city by John of Austria's fleet. Following this attempt at repression the third, republican, phase began, which lasted from October 1647 to April 1648. The support of France was sought and, once the duc de Guise's availability to take military command had been verified, powers were given to him which made explicit reference to the Dutch Stadholderate (Conti 1983: 114-15). Full adoption of the Dutch model was not possible, both because of the state of war, and because of the lack of a body like the States, which

would be capable of assuming sovereignty: the Neapolitan parliament was not a truly representative body, having been transformed long before into a seat of fiscal negotiation dominated by feudal landowners and royal bureaucracy. Neither was the most obvious republican model – the Venetian one, which the aristocratic duc de Guise preferred – really practicable, because the kingdom's aristocracy was largely loyalist. Debate about possible models of the republic were nevertheless intense, set out according to the plans and interests of the social classes and the corresponding political 'parties': the 'civil', the popular-artisanal, and the aristocratic elements (Comparato 1998b). But the politico-cultural design of Neapolitan republicanism was broader and more nuanced than a bald choice between institutional models. Despite the relative paucity of surviving texts, it is possible to make out on the one hand the intellectual elements which attest to the revival of the republican tradition, and on the other, the reasons which, in the middle of the seventeenth century, engendered a sense of the urgency of superseding it and facing up to European political culture.

We have already noted how, in a régime of strict political control, historiography was the mirror of the political conflict within the city between the aristocracy and the bourgeois-civil élite, and an indirect vehicle for republican ideas. The only historiographical text published during the republican period, that of the physician Giuseppe Donzelli, *Partenope liberata*, makes explicit the importance of the diffusion of classical models for the political identity of the *civitas*: Donzelli affirms the principle of republican self-government as contemporary with the Greek foundation of the city: its millennial duration and the break which occurred much more recently (Donzelli 1970: 275). The ineluctable problem of the endurance of republican forms of state was thus resolved by confining it to the past and drawing from it a reason to extend from the city to the entire kingdom the right to regain liberty and the expectation of being able to sustain the new institutions (p. 276).

What led citizens to the extreme and dangerous step of rebelling against the king of Spain? Of course one factor was intolerable frustration, according to republican manifestos, edited by intellectuals and jurists; another was the desire for liberty: 'so that our Kingdom, and People may reach an open state, free from all travail and servitude' (Conti 1983: 32). Naturally, strong anti-tyrannical sentiments circulated from the beginning in Neapolitan public opinion, heightened by anti-Spanish resentment. The manuscript text *Ragionamento di Tomaso Aniello*, which predates the declaration of the republic, mentions 'the usual wickedness of Princes', showing

how easily an anti-tyrannical theme could turn into an anti-monarchic one ('Ragionamento' 1994). But the decision of the kingdom 'to live free as a Republic' (Conti 1983: 112) which was a more complex project, required of republican leaders a sort of popular pedagogy, communicated via proclamations and manifestos, signs, ceremonies and coins. Republican language, symbols and values gradually took the place of monarchist and loyalist ones in political communication. The popular militia, in place since the beginning of the revolt, was organised and every 'citizen' was encouraged to make his own contribution, in service or in money, 'in order to gain the perfect Liberty which we have desired for so long for this most Serene Republic' (p. 156). In the December Neapolitans were invited to enlist in the people's army in the interests of the 'fatherland', of their own 'home' and of the whole republic (p. 214). The 'public good' was evoked in forbidding all magistrates nominated by the people from refusing to take up their posts; military virtue was exalted using solemn ceremonies in honour of the fallen.

There was a necessary change in the register of language, following the change of régime, and also a necessary practice of mobilisation, in a very precarious military context. But it is more difficult to decide to which of the republican traditions the political culture of the revolutionary leaders made reference. In their training as men of law there was a solid foundation of classical culture, even stronger in the group of reforming lawyers, who wished to distinguish themselves from the mass of practical jurists, in pursuit only of wealth and promotion in the monarchic administration. The ideal of the man of law, minister of reason and justice, ready to take on the role of servant of the *res publica* and fight the corruption of the city's régime, had been clearly set out by Francesco De Pietri in the 1630s. The Machiavellian tradition, with its clear opposition between people and nobility, was better suited to the more radical wing, which was nearer to the people of artisans and small arms dealers. Figures like D'Andrea, *Provveditore generale* in the Republic, knowingly played a role typical of a *tribunus plebis*. For the 'civil' bourgeoisie, however, the Aristotelian paradigm of a *polis* squarely based on the 'middle classes' was much closer. For themselves they imagined a 'senatorial' role, where true civil virtue would be recognised, as it had to be in republics, consisting of personal ability and knowledge, not in riches and blood ties. This conviction was present from the very first republican manifesto, where the abolition of a distinction by orders was announced, which distinction had caused the disappearance from the world of the 'virtuous' (Conti 1983: 33).

Not enough 'internal' texts of Neapolitan republicanism have survived. However, there are some writings, perhaps by Neapolitans, but not those

directly involved in the course of events (such as *Il cittadino fedele* and the *Lettera scritta da un personaggio napoletano agli ordini del regno di Napoli*), which allow us to grasp the republicans' difficult task (which indeed turned out to be politically impossible). They had to integrate the civic republican ideal, with its solid traditions and historical identity, with a general project for the kingdom. Almost like a catalogue of possible constitutions, these texts describe the advantages and disadvantages of one or other model. Switzerland? Perhaps a constitution which is too 'popular'. Venice? An aristocratic state founded on the principle of one city dominating the others. The constitution of the United Provinces, according to the *Lettera*, was certainly the most harmonious and desirable option, providing for the representation of the twelve provinces and agreement between the two social orders of nobles and 'citizens': an updated experiment with the 'mixed state' accompanied by a resumption of international relations within the anti-Spanish bloc, but without forgetting good relations with the Pope (Villari 1994: 85–100).

The republic fell without having had the chance to experiment, except for some feeble efforts, with a representative federal system. In effect, the project failed because of military weakness and the isolation of the city republic in relation to the provinces. As far as the principles of prudence – which Settala, following Aristotle, included in the 'reason of State' of the *politeia* – were concerned, Neapolitans had not moved very far away, except, perhaps, in the point of the 'discords among the chief citizens' (Settala 1930: 121). The 'civil' bourgeoisie, in fact, who had seen in the republic the opportunity to make themselves valued as a class of senatorial standing and feared the principle of equality which was always implicit in the republican form of state, thought to prosecute their objective by renouncing political liberty, and returning to the monarchic régime, which promised to take account of their aspirations.

Aristotelians, Monarchomachs and Republicans: Sovereignty and *respublica mixta* in Dutch and German Political Thought, 1580–1650

MARTIN VAN GELDEREN

I. Introduction

In the *Ragguagli di Parnaso*, published in 1612, the Italian satirist Traiano Boccalini pointed out that the obstinate rebellion against the Spanish wolves had led to the introduction of ‘the form of the republics of Germany . . . amongst the Dutch’ (Boccalini 1948, cent. III, rag. 4 (vol. III, p. 18)). Writing in the same year, another Italian commentator, cardinal Guido Bentivoglio, argued that in becoming ‘republiche libere’ the Dutch provinces had accomplished a radical change from monarchy to mixed republic: ‘From a government, which was principally a monarchy, the United Provinces have turned to a government which is partly an Aristocracy and partly a Democracy’ (Bentivoglio 1983: 10).

Bentivoglio’s and Boccalini’s comments were the beginning of a series of Italian commentaries which took the new Dutch republic as the model for political innovation. All across Europe jurists and *politici* saw Holland and the other United Provinces as a new *respublica mixta*, whose institutions and constitutions should be compared with those of the imperial and autonomous cities of the old German Empire, ‘the republics of Germany’ as Boccalini put it.

Seventeenth-century admiration for the Dutch and German republics is not reflected in modern historiography. Dutch and German political thought of the first half of the seventeenth century is not usually connected with the history of republicanism. In his pioneering study of Dutch political theory Ernst Kossmann presented eclecticism and traditionalism as the hallmarks of Dutch political theory in the first half of the century: ‘The respectable and

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civilised Dutchman of those days was an Aristotelian, a Humanist, a Calvinist and an advocate of natural law.¹

The study of German political thought in the first half of the seventeenth century has also virtually ignored republicanism, focusing instead on the schools of academic *politica* and on specific concepts, such as monarchy and republic. This is not the world of republicans, but of Aristotelians, Tacitists and Christian political thinkers.²

This chapter is a reappraisal of the position of Dutch and German political thought in the history of republicanism as a European heritage between 1580 and 1650. It starts from the recognition that, as *Späthumanisten*, Dutch and German political theorists were not just the heirs of Erasmian humanism but also of the Italian Renaissance. They inherited the vocabulary, rhetoric and style of Erasmus and the Italian humanists. Northern *Späthumanismus* was also directly inspired by Italian humanism and politics. Dutch and German students of politics shared the Italian conception of politics as civil philosophy with the good life as its noble aim (see Viroli 1992). The first centre of Italian republicanism, Florence, had lost its republican glory and appeal by the end of the sixteenth century, but the Republic of Venice was widely admired, especially in the United Provinces (see Haitsma Mulier 1980). Admiration of Italy and Italian scholarship was not connected with nostalgia for a lost world. As the sixteenth century came to a close Dutch and German *Späthumanisten* were confronted with major political and intellectual challenges which moved them far beyond the legacy of Renaissance political thought.

At the end of the sixteenth century the institutional and constitutional complexities of their countries started to haunt Dutch and German intellectuals. In varying degrees the Dutch Republic and the old German Empire shared the blessings and irritations of the *civitas composita*. Between 1580 and 1650 the history of the Netherlands and Germany was marked by bitter and long-lasting political and military conflicts. The strength and weakness of central and federal institutions, the States-General and the Stadholder in the Netherlands, the Reichstag and the Emperor in Germany, and the power and independence of constitutive units, the Dutch provinces, the proud towns of Holland, the German principalities and the imperial and autonomous cities, were of crucial importance during the Eighty Years War in the Low Countries and the Thirty Years War in Germany. Political theorists were urged to make sense of the monstrosities of the Dutch and German constitution, and to indicate ways to improve the situation.

1. Kossmann 1960: 9, but see for the sixteenth century Mout 1988 and Van Gelderen 1992.

2. Recent overviews include Stolleis 1988 and (ed.) 1995; Dreitzel 1991 and 1992.

The location of *suprema potestas*, and the nature of the rights and duties of political offices, were therefore main issues of concern. The complexity of these problems was increased by the pervasive impact of Jean Bodin's *Les six livres de la république* (1576) on political debate in Europe. Bodin's insistence on legislative authority as the 'first mark of sovereignty' entailed a notion of indivisibility. According to Bodin it was impossible to constitute a 'république meslée': 'To institute the dominion of one, together with that of the few, and also with that of the many, simultaneously, is not only impossible but cannot even be imagined. For if sovereignty is by its nature indivisible . . . how can it be allotted to one and to all at the same time?' (Bodin 1961: 266).

As early as 1578 this new conception of sovereignty started to have an impact on Dutch thinking. Bodin was adviser to the duke of Anjou, who was about to become the 'Defender of the Liberty of the Netherlands', but not its new sovereign. In the negotiations with the duke, whose military and financial assistance was eagerly sought by the leaders of the Dutch Revolt, the deputies from the Low Countries rejected the use of the word 'sovereign', arguing that the word did not exist in the Dutch language. This was a flat lie on the part of the Dutch polyglots, who were trying to avoid a painful confrontation with Bodin's concept of sovereignty. Throughout the negotiations they used the *respublica mixta* of the Lacedaemonian Republic as the leading example for the Dutch constitution.

The new concept of sovereignty also had dramatic implications for the appraisal of the old German Empire. In a few pages Bodin dismissed the interpretation of the empire as monarchy and argued that Germany was in fact an aristocracy, where 'sovereignty remained with the seven Electors, three hundred or so princes and the ambassadors who are deputed by the imperial towns' (*ibid.*: 321). This verdict was an outright provocation of the theorists of the German constitution, especially of those who defended either the Habsburg Emperor or the unfolding territorial states such as Brandenburg-Prussia and Saxony.³

Dutch and German humanists faced the new political questions about their constitutions, the rights and duties of political offices and the nature of sovereignty in an intellectual climate where the essentials of humanism itself were at stake. Humanist identity had been shaped by its critique of scholasticism. Humanists derided the sophistry of scholasticism and its formalised Aristotelian philosophy, which was claimed to be imprisoned in abstruse syllogisms that were out of touch with reality. For their part humanists directed the quest for knowledge 'towards the problems of civic

3. On this issue see Franklin 1991 and Salmon 1996.

life', and focused on 'the arts by which men may live well and the *sapientia* which teaches how man may achieve perfection while still in this life' (Vasoli 1988: 63). Erasmus acquired a substantial part of his fame with the carefully orchestrated development of new humanist methods for moral education and persuasion. The most provocative programme was formulated by the French humanist Pierre de la Ramée, known as Peter Ramus. Working from Rudolphus Agricola's *De inventione dialectica*, Ramus proposed to supersede logic and rhetoric with a new discipline of dialectic, defined as the 'art de bien disputer'.⁴ Ramist dialectic included two parts. The first part was that of *inventio*, of finding the *loci*, the places which could be used for an argument. This was the art of collecting the 'principles, elements, terms, means, reasons, proofs, arguments' (Ramée 1964: 63–4). The art of arranging the *loci* into a coherent and persuasive argument, *iudicium* or *dispositio*, was the second and more important part of Ramist dialectic. Whilst Ramus recognised the usefulness of the syllogism, he emphasised the superiority of *methodus*, based on nature and prudence, 'the sovereign light of reason'. As the *Dialecticae institutiones* went from edition to edition Ramus developed the concept of method as the disposition of knowledge, which moved by ways of deduction from general principles to encompass knowledge of all particulars. The final outcome of the application of the Ramist method was a system of knowledge whose clarity made it particularly suitable for educational purposes. The daring promise of Ramism was a systematic education in the *studia humanitatis*, including ethics and politics, based on one unifying method which would produce 'effective writers and active participants in civil life', rather than useless scholastics (Grafton and Jardine 1986: 197). Not Aristotle and Aquinas but the orators Cicero and Quintilian were the heroes of Ramism.

After his assassination during the massacre of St Bartholomew Ramus himself became a cult figure for Protestant students at the universities of northern Europe. Many endorsed the clarity and civic character of Ramism; others contested its simplicity. The most sophisticated response came from the Italian philosopher Jacopo Zabarella, a distinguished member of the School of Padua, which revived Aristotelian philosophy incorporating main elements of the Ramist critique. In *De methodis* Zabarella replaced the Ramist *methodus unica* with a new classification of academic disciplines and their methods. Zabarella made a fundamental distinction between methods of teaching and methods of inquiry. He incorporated Ramus's notion of

4. Ramée 1964: 61. Seminal studies of these intellectual developments include Vasoli 1968; Schmidt-Biggemann 1983 and Grafton and Jardine 1986. For Ramus and Ramism see also the standard work of Ong 1983.

method in a new concept of *ordo*. The *ordo doctrinae* was an ‘instrumental habit, an intellectual instrument to teach how to conveniently dispose the parts of each discipline’.⁵ But Zabarella insisted on the difference between *ordo* as a pedagogical device and the procedure for the acquisition of knowledge, which was method *proprium dictam*. Elaborating Aristotle’s classifications, Zabarella made careful distinctions between the academic disciplines in terms of their *methodus* and *ordo*, classifying them either as contemplative or as practical sciences (with the subcategories of *prudentia* and *ars*). The contemplative sciences of mathematics, metaphysics and physics dealt with the realm of necessity and eternity, which could not be touched by human will. Its method was composition, the demonstrative syllogism proceeding from known cause to unknown effect. The method of the moral sciences of *prudentia*, which included politics, was resolution, the demonstrative syllogism proceeding from known effect to unknown cause.

In northern Europe Zabarella’s works contributed significantly to the revival of Aristotelianism at Protestant universities such as Leiden and Helmstedt. Under the spell of Ramus and Zabarella, humanists in Germany and the Netherlands started to reconsider the foundations of the humanist disciplines, including the *politica*. Humanists such as Bartholomeus Keckermann and Franco Burgersdijk built comprehensive systems of knowledge for the various disciplines of the humanities on the principles of Zabarella’s renewed Aristotelianism. The rival attempt to maintain the unity of humanist studies in the spirit of Ramism culminated in the 1630 *Encyclopaedia* of Johann Heinrich Alsted. Less encyclopaedic humanists, including the Aristotelian Arnisaeus and the Ramist Althusius in Germany, and Hugo Grotius in the Netherlands, ‘confined’ themselves to constructing comprehensive systems of knowledge for only one or two disciplines. As political theorists all of these humanists addressed pressing political problems, whilst taking up the formidable task of discovering the key concepts and *loci* for political argument and of developing the proper *methodus* and *ordo* for the *politica*, as a new academic discipline.

II. Sovereignty and *respublica mixta* in Dutch and German *politica*

Grotius was the main figure of the Golden Age of Dutch political debate, which started during the Dutch Revolt. Political liberty and the liberty of

5. Zabarella 1985: 11. For Zabarella see also the essays in Olivieri (ed.) 1983.

conscience, the legitimacy of political and military resistance, and the issue of popular sovereignty dominated Dutch political debate deep into the seventeenth century. From the very beginning of the Revolt, its advocates maintained that the Dutch political order had originally been created by wise and ancient ancestors with the deliberate aim of protecting liberty, the ‘daughter of the Netherlands’, as a pamphleteer put it in 1568 (Anon. 1568: 3). The image of the Revolt as the struggle for ancient liberty became a foundational idea of Dutch political culture. According to Dutch authors the purpose of the Spaniards had been to deprive the Low Countries of their liberty and to turn them into the slaves of a centralised, absolute monarchy. Grotius provided the classic statement of the argument. In his *Apology of the Lawful Government of Holland* (1622) he maintained that the Spaniards had tried ‘to persuade the public that the old government of the Netherlands had been absolute rule by the Prince’ (Grotius 1622: 1). However, as Grotius added, ‘from immemorial time the power of the prince had been limited by both the privileges and the power of the States’. Here Grotius expressed another axiom of Dutch political thought. Dutch liberty was protected by an ancient constitution consisting of a set of fundamental laws and charters, ancient rights, freedoms and old customs, and a well-ordered framework of political institutions, featuring the States-General, the provincial States and the town councils. Between 1566 and 1581 the position of the States was upgraded almost every year until it reached the level of sovereign powers. Authors such as Aggaeus van Albada connected the pre-eminence of the representative assemblies with the idea of popular sovereignty. The abjuration of Philip II in 1581 merely intensified Dutch debates on the optimal state of the commonwealth and the location of sovereignty in the peculiar Dutch interplay of towns, provincial States and States-General (see Van Gelderen 1992, chs. 4 and 5).

The most influential interpretation was developed by François Vranck, who responded to the charge that the States of Holland were mere assemblies of delegates acting on the orders and instructions of their principals, the sovereign community. Vranck accepted the notion of popular sovereignty, in the sense that the concept of ‘the people’ refers to the corporations of the ‘nobles and towns’ of Holland. Vranck also admitted that the States were representative institutions whose work had to be seen in terms of delegation. A delegate participating in the States could act only ‘in conformity with his instruction and commission’. The delegates received their instruction from their principals, the estates of nobles and towns. But according to Vranck this did not diminish the importance of the States. For although sovereignty

resided with the people, it was administered by their delegates, the States. Thus, shrewdly employing Bodin's own distinction between the location and the administration of sovereignty, Vranck was able to conclude 'that the sovereignty of the country is with the States in all matters' (Vranck 1993).

Hugo Grotius faced Bodin and the issue of sovereignty in a series of published and unpublished works, including his early *Commentary on XI Theses* concerning sovereignty and *De iure praedae*. Grotius was obviously indebted to the political debates of the Revolt, but in line with the new trends in northern *Späthumanismus*, his attempt to offer a systematic analysis of sovereignty was embedded in a comprehensive analysis of the foundational concepts of political and legal theory. Grotius begins *De iure praedae* with a discussion of his *methodus* and *ordo*. He argues that the problems of war and peace cannot be solved 'solely on the basis of written laws'. For a proper inquiry a turn to the *ratio naturae*, 'to the ordered plan of nature' is needed. Grotius turns to the 'jurists of antiquity', who 'refer the art of civil government back to the very fount of nature'.⁶ The 'discipline of law' should be derived 'from the inmost heart of philosophy', as Cicero had argued in *De legibus*. Natural reason should provide us with the foundational arguments for the discipline of law. Their reliability would be increased if they are sanctioned by sacred authority and approved by wise men and the laws and customs of laudable nations.

Having established his *methodus*, Grotius sets out the *ordo* of his work. Combining ideas from Ramus and Zabarella, Grotius announces that he will first set out 'what is true universally and as a general proposition' and then narrow this generalisation 'gradually', 'adapting it to the special nature of the case under consideration'. Grotius compares his *ordo* with the approach of mathematicians:

just as the mathematicians customarily prefix to any concrete demonstration a preliminary statement of certain broad axioms on which all persons are easily agreed, in order that there may be some fixed point from which to trace the proof of what follows, so shall we point out certain rules and laws of the most general nature, presenting them as preliminary assumptions which need to be recalled rather than learned for the first time, with the purpose of laying a foundation upon which our other conclusions may safely rest.

(Grotius 1868: 7; 1950: 7)

Grotius regarded his new *ordo* as an important innovation. In one of his letters, written in November 1606, Grotius admits that many of the issues

6. Grotius 1868: 6. Reference is also to the English translation: Grotius 1950: 7.

addressed in *De iure praedae* had been discussed by ancient and recent writers, but he emphasises that he is ‘throwing new light on them by a secure order of teaching and by combining divine and human law with the dictates of philosophy (Molhuysen (ed.) 1928: 72). Grotius does not claim originality for the individual arguments, for the commonplaces concerning divine law, human law and philosophy. Nor does he suggest that mathematics offers the method for politics and law as humanist disciplines.⁷ As far as the method of his inquiry is concerned, Grotius merely claims to follow Cicero’s approach—which is why Grotius, like Cicero, sometimes argues against the Academic sceptics. The claim to originality for *De iure praedae* concerns its strength in persuasion and education.

Having established his *methodus* and *ordo* Grotius sets out to formulate his *prolegomena*. Moving from the most general to the more specific, he presents nine axiomatic rules and thirteen fundamental precepts of the law of nature. In recent research the *prolegomena* have been hailed as the beginning of modern natural law theory, founded on a new appreciation of self-preservation (see Tuck 1991; Tuck 1993; Haakonssen 1996: 26–30; Schneewind 1998: 66–81). Grotius regards self-preservation, *sui amor*, and friendship, *amicitia*, as the main characteristics of individuals in the state of natural liberty, where each is ‘free and *sui iuris*’. Primacy is given to self-preservation; Grotius argues that ‘all things in nature, as Cicero repeatedly insists, are tenderly regardful of self, and seek their own happiness and security’ (Grotius 1868: 9; 1950: 9). Grotius turns the ‘natural property’ of self-preservation into a universal right. He argues, with another reference to Cicero, that ‘each individual may, without violating the precepts of nature, prefer to see acquired for himself rather than for another, that which is important for the conduct of life’ (Grotius 1868: 10; 1950: 10). This emphasis on the primacy of self-preservation contrasted with the Aristotelian view of man as a primordial social and political animal. But it is important to recognise that for Grotius the elucidation of the laws of nature served to explain the origins of civil power. *De iure praedae* is principally a treatise on the origins, principles and limits of civil power.

As Grotius explains, for reasons of demographic growth, better protection and greater economic convenience individuals in the state of natural liberty create small societies, which are ‘formed by general consent for the sake of the common good’ (Grotius 1868: 19–20; 1950: 20). The *respublica*

7. See, however, Dufour 1991: 100–3; Tuck 1991: 505 and 1993: 171 for the argument that ‘by making mathematics the model for a human science, Grotius made the most decisive break possible with humanism’.

refers to a multitude of private persons who have come together to improve their protection through mutual aid and to assist each other in acquiring the necessities of life. At their own free will these individuals unite by way of civil contract – Grotius uses the term *foedus* – in a ‘unified and permanent body’ with its own set of laws. From *singuli* they turn themselves into *cives*, citizens.

The laws of the commonwealth emanate from its will as a unified body based on consent. Grotius argues that ‘civil power, manifesting itself in laws and judgements, resides primarily and essentially in the bosom of the commonwealth itself’ (Grotius 1868: 25; 1950: 25). Of course not everybody has the time to devote himself to the administration of civil affairs. The exercise of lawful power is therefore entrusted to a number of magistrates, who act for the common good. By mandate the magistrates have the authority to make laws for the *respublica*, which bind all citizens.

The introduction of the concept of *magistratus* represents a subtle and important shift in political language. Whilst the emphasis on self-preservation as the most fundamental natural law was a departure from Aristotelian political theory, Grotius’s account of the origins of civil power followed the theory of the Aristotelian school of Salamanca and its more radical members quite closely. At crucial moments, including the definition of *respublica* and civil power, Grotius acknowledges his debt to Francisco de Vitoria, and, most of all, to Spain’s most radical humanist jurist, Fernando Vázquez.⁸ With the introduction of the concept of *magistratus*, Grotius merges Vázquez’s theory of civil power with the political language of the Dutch Revolt. This merger implies a lucid rejection of Bodin’s theory of sovereignty. The explicit use of the concept of *magistratus* emphasises that those who exercise civil power, be they king, princes, counts, States assemblies or town councils, are administrators. Arguing that ‘just as every right of the magistrate comes from the commonwealth, so every right of the commonwealth comes from private persons’, Grotius reaffirms later in *De iure praedae* that ‘public power is constituted by collective consent’ (Grotius 1868: 91; 1950: 92). Grotius maintains this preference for the concept of civil or public power, and carefully avoids concepts such as *maiestas* or *summum imperium*. Whilst Bodin defines sovereignty as ‘la puissance absolue & perpetuelle d’une République, que les Latins appellent *maiestatem*’ (Bodin 1961: 122). Grotius sticks to the term ‘*summa potestas*’. In the *Commentarius* he adopts the old definition of Bartolus and describes *summa potestas* in terms of ‘the right to govern the commonwealth

8. Grotius 1868: 236; 1950: 249–50. For Vázquez see Brett 1997 and for the link with Grotius Van Gelderen 1999.

which recognises no superior authority among humans' (Grotius 1994: 215). But the power to govern is neither absolute nor eternal. When Grotius discusses the most important element of *summa potestas*, the right to declare war, he reaffirms Vitoria's position that 'all civil power resides in the commonwealth, which by its very nature is competent to govern and administer itself, and to order all its faculties for the common good'. Grotius repeats that the power of princes is derived from the power of the commonwealth, and he points out that 'the right to undertake a war pertains to the prince only in the sense that he is acting for the commonwealth and has received a mandate from it'. According to Grotius, 'the greater and prior power to declare war lies within the commonwealth itself'. Generalising this point Grotius endorses the radical position of Vázquez that 'the power of the commonwealth remains intact even after the establishment of the principate'. Going back to Vitoria, Grotius accepts the argument of 'the Spanish theologian . . . that the commonwealth may change one prince for another or transfer the principate from one dynasty to another' (Grotius 1868: 269; 1950: 284).

This position enables a subtle play with Bodin's thesis of the indivisibility of sovereignty. When 'the power of the commonwealth' remains intact even after the appointment of one or more magistrates, then the administration of the marks of sovereignty can of course be divided amongst the various magistrates. And so the *respublica mixta* is restored to full glory. When he compares the constitutions of these glorious republics, Grotius accepts the pleas of the wisest men for a *respublica mixta*, in the sense that a single *civitas* combines 'the majesty of a prince with the authority of a senate and the liberty of the people'. In his unpublished works Grotius expresses a distinct preference for a *respublica mixta* where the aristocratic element dominates. As he writes in *De republica emendanda* (1598–1600), 'the republic that is most properly constituted is the one in which a proportionate number of men of outstanding virtue and prudence have the most powerful role' (Grotius 1984: 80). In the *Treatise of the Antiquity of the Batavian now Hollandish Republic* Grotius argues that Holland has been a such a virtuous republic of *optimates* since the days of Roman antiquity. The revolt of the Batavians, celebrated by Grotius as the 'authors of liberty', established the Hollanders as 'a free, self-governing people willing to do the utmost to retain their freedom' (Grotius 1610: 22).

Whilst Grotius was formulating the most systematic Dutch reply to Bodin, Johannes Althusius (1557/63–1638) composed the strongest German rejection of Bodin's theory of sovereignty. Althusius was one of the most radical theorists of the *Politica Christiana* which found its origins in the

political works of Luther and Calvin. Following the Reformers *Politica Christiana* started from the assumption that government was part of the divine order. The study of political institutions and constitutions was intertwined with religion and theology. The Bible contained the guiding principles for secular government, of which the study was therefore marked by a mixture of *recta ratio* and revelation. This approach to the study of politics was popular amongst all confessions. Its main works included the *Politica* of Althusius, first published in 1603 and revised in 1610 and 1614, the *Politicorum libri decem* of the Catholic Adam Contzen, first printed in 1620, and the *Biblische Polizey* of the Lutheran Dietrich Reinkingk, which appeared in 1653.

God's providence and absolute power was the shared starting point for all theorists of *Politica Christiana* but from here they had strongly divergent preferences concerning the optimal state of the commonwealth. Whilst an endless number of authors, including Contzen and Reinkingk, celebrated the temperate monarchy of a dutiful and virtuous Christian prince, another group of theorists, usually called Monarchomachs, developed a new theory of civil society and politics. Althusius, Clemens Timpler and Alsted were some of the main theorists of German Monarchomach theory. Unlike the other authors of *Politica Christiana*, they emphasised the autonomy of *politica* as a discipline marked by the new logic of Ramus and a corresponding *ordo*. Both Alsted and Timpler developed new comprehensive theories of the humanities. The seven volumes of Alsted's *Encyclopaedia* gave a systematic overview of all human knowledge based on a series of distinctions which Alsted derived from the divine predicates. Politics featured in Volume IV, which was devoted to the four disciplines of 'practical philosophy'. Ethics was the discipline of the individual virtues and the notions of the good life. Economics dealt with the family, politics with the prudence to arrange the social organisation of human life in civil society.

For Alsted and other Monarchomachs, the principle of voluntary association, of *consociatio*, was the foundation of politics and society. Althusius defined politics as 'the art of associating (*consociandi*) men for the purpose of establishing, cultivating, and conserving social life among them'.⁹ According to Althusius the purpose of man, as a symbiotic creature, is to lead a life of 'holy, just, comfortable and happy symbiosis'.

By the bonds of association men become able to 'communicate among themselves whatever is appropriate for a comfortable life of soul and body'. As symbiotic creatures, and not as individuals, humans forge the bonds of

9. Althusius 1932, ch. 1, no. 1 (p. 15). Recent commentaries include Dahm, Krawietz and Wyduckel (eds.) 1988; Winters 1995; Duso 1996, 1999 and Dreitzel 1992: 17–32.

association. As Clemens Timpler puts it, ‘every civil society depends on the will and the legitimate consent of those who join together to create civil life’ (Timpler 1611, Book I, ch. 4, no. 5 (p. 45)). Thus, in the words of Althusius, ‘the efficient cause of political association is consent and agreement among the communicating citizens’ (Althusius 1932, ch. 1, no. 29 (p. 24)). Alsted, Althusius and Timpler use the concepts of citizen and civil society in a novel way to refer to man’s social role and status in a widening circle of associations, all of which are based on covenants. As a civil and symbiotic animal, man is part of the web of associations that encompass the fullness of communal, social and political life. The covenant is the foundation for the natural and private associations of family, households and guilds and for the wider, more artificial and public associations of city, province and *respublica*. The German Monarchomachs do not confine politics to the level of *civitas* and *respublica*. In their view politics covers all symbiotic associations. In this theory the republican themes of civic participation and civic virtue do not disappear. Alsted recognises right at the beginning of his *Politica* that ‘civil virtue in particular is the way to arrive at civil happiness’ (Alsted 1990, ch. 1, no. 12 (p. 1390)) and Althusius seeks to promote civility and virtue throughout civic life in his study of *Civilis conversationis*. Althusius even devotes a whole chapter to the art of civil eating. Apparently this was a difficult chapter for the German reader. Althusius lapses from Latin into German when he tries to argue that a proper dinner has three courses, a ‘Voressen’, a ‘Mittelessen’ and a ‘Nachessen’. Althusius tries to persuade his readers to remain seated for all three courses and argues forcefully that eating and drinking require the virtue of temperance and moderation (Althusius 1611: 329–46).

In this way Althusius integrates the themes civic virtue and citizenship into the analysis of the fullness of social and political roles humans play in various associations. The *respublica* is not necessarily the most important form of human association, although it is, in the words of Althusius, ‘the polity in the fullest sense, an *imperium*, realm, commonwealth, and people united in one body by the agreement of many symbiotic associations and particular bodies, and brought together under one right’ (Althusius 1932, ch. 9, no. 3 (p. 88)).

All associations have their own government, and none of these governments wield absolute power. The German Monarchomachs reject Bodin’s theory of sovereignty with particular force. In the consociational model, all political associations are formed by covenant. The *populus*, defined as the web of corporate associations, is the civil source of sovereignty. Like Grotius, Althusius appeals to Vázquez and Bartolus to defend his claim that ‘the

people, or the associated members of the realm, have the power of establishing the right of the realm and of binding themselves to it' (*ibid.*, ch. 18, no. 16 (p. 91)). The *populus* constitutes the *respublica*, which, following Cicero's classic definition, is therefore literally a *res populi*. Those in government are magistrates, office-holders. The authority of the office of all magistrates, including the *summus magistratus*, is derived from the association he serves; the rights and limits of each office are set by the covenant. Alsted puts it in a nutshell: 'Sovereignty is the highest power, which the magistrate has amongst the people by the consent of the people' (Alsted 1990, ch. 3, Praecepta (p. 1392)).

The German Monarchomachs are preoccupied with the relationship between the magistrates and the people. They develop a theory of dual representation, arguing that the body of the *populus* is not only represented by its head, the supreme magistrate, but also by the assembly of its members (see Hofmann 1988b and Duso 1996: 107–14). Following the late medieval theory of corporations, the Monarchomachs accept that in his role of supreme administrator the *summus magistratus* represents 'the person of the entire realm', '*personam totius regni*' (Althusius 1932, ch. 19, no. 98 (p. 177)). But the assembly of its members is the true representation of the *populus*. Connecting themselves with French and Dutch theories of resistance, the German Monarchomachs label these representatives as 'ephors'. Althusius describes them as 'the representatives of the commonwealth or universal association to whom, by the consent of the people associated in a political body, the responsibility has been entrusted for employing its power and right in constituting the supreme magistrate and in assisting him with aid and counsel in the activities of the associated body' (*ibid.*, ch. 18, no. 48 (p. 143)). Althusius and the other Monarchomachs emphasise that the authority of the ephors rests on the mandate and consent of the *populus*. There is a delicate interplay between people, ephors and supreme magistrate which characterises all commonwealths. The recognition of this interplay leads to Althusius's claim 'that every type of commonwealth is mixed and tempered' (*ibid.*, ch. 39, no. 15 (p. 405)).

The celebration of the political importance of the ephors as representatives of the sovereign *populus* indicated that the Monarchomachs sided with the towns and representative assemblies in the German territories in the political struggles of the old Empire. The *politica* of Althusius and Alsted was a straightforward rejection of the absolutist, territorial state such as the Hohenzollern were to build up in Brandenburg-Prussia. The Monarchomachs favoured the *respublica mixta* of Emden and the county of Nassau. In terms of German political history they were on the side of the losers.

In reaction to the rise of the absolutist princes, authors such as Johann Angelus von Werdenhagen and Johann Valentin Andreae started to radicalise Monarchomach theory, which in the case of Andreae led to the sketch of a utopian commonwealth of Christian associations, where Monarchomach principles mingled freely with ideas clearly inspired by Thomas More (see Werdenhagen 1632 and Andreae 1972).

These utopian dreams were ridiculed by the main adversaries of Althusius, Alsted and Andreae, the humanists who prided themselves on being true followers of Aristotle. Although all German studies of *politica* were drenched with quotations, concepts and categories from Aristotle, the Philosopher, there was a distinct school of political Aristotelianism (see Dreitzel 1970; 1988 and 1991: 547–66). Political Aristotelians did not just quote the Philosopher, they adopted a systematic approach modelled on the humanist interpretations of his *Politics*. Inspired by Aristotle, Political Aristotelians argued that *politica* was an autonomous discipline, and they rejected the integration of theology, law and ethics. Political Aristotelians defined *politica* as the ‘scientia constituendio et gubernandi rempublicam’. The purpose of *politica* was to promote the ‘bonum commune’, to create a ‘bene et beate vivere’. In the spirit of Aristotle Political Aristotelians saw *politica* as a practical science, devoted to the practical wisdom of ‘utilitas reipublicae’. The quest for the ideal commonwealth was not a theoretical but a practical enterprise. *Politica* was the science of ‘civilis prudentia’, to quote the title of Hermann Conring’s most famous work.

Between 1550 and 1650 Political Aristotelianism became the dominant doctrine of politics in the universities of the Lutheran territories. Its strongholds included the universities of Helmstedt, Giessen, Leipzig, Tübingen and Strasbourg where theorists such as Henning Arnisaeus, Bartholomeus Keckermann and Hermann Conring spread the fame of the movement. Both Conring and Arnisaeus were connected with the university of Helmstedt, the creation of the humanist dukes of Braunschweig-Wolfenbüttel. Arnisaeus was both a student and professor in Helmstedt, as it became one of the German centres of Aristotelianism. Two of his works, the *Doctrina politica* from 1606 and the massive *De republica* of 1615, laid the foundations for the rise of Political Aristotelianism in Germany.

In his method Arnisaeus follows the traditions of Zabarella and the School of Padua. Arnisaeus argues that as a practical discipline politics should adopt the model of medicine and become an art of observation, whose normative recommendations should have a sound practical and empirical basis in the study and diagnosis of historical and contemporary political bodies. In the

spirit of Zabarella Arnisaeus argues that the *ordo resolutivus* is the proper approach for arts such as medicine and politics (Arnisaeus 1615, Book II, Prooemium (pp. 2–38)), and he sets out to teach first the material subject of politics, then its aims and objectives (*finis*) and finally the means, methods and skills to attain these. Arnisaeus sees the *civitas*, which he defines in traditional Aristotelian terms as a union of households, as the ‘material subject’ of the study of politics (*ibid.*, Book I, Prooemium, § 4 (p. 3)). In a crucial chapter Arnisaeus argues that most of his fellow theorists, including Althusius, Bodin, Busius and Keckermann, fail to distinguish between the *civitas* as the material subject of *politica* and the *respublica*, which Arnisaeus describes in Aristotelian terms as the form (*forma*), end (*finis*) and order (*ordo*) of civil society. To clarify his distinction Arnisaeus uses the Aristotelian concept of *essentia* to define the commonwealth as the order of command and obedience: ‘Reipublicae essentiam consistere in ordine imperandi et parendi’ (*ibid.*, Book II, ch. 1, § 1, no. 10 (p. 43); also § 4, no. 22 (p. 77)). And so politics becomes the study of government, defined as a separate order where the *summa potestas* is located. As Arnisaeus puts it: ‘The perfect definition of *respublica* is that it is the order of civil society, not just with some authority (*imperium*), but with exclusive supreme power (*summa potestas*), from which flows the government of the magistrate amidst the entirety of the subjects’ (*ibid.*, Book II, ch. 1, § 1, no. 14 (p. 44)).

As the *ordo civitatis*, government has its own rules of civil prudence. Arnisaeus devotes hundreds of pages to a detailed study of the practical organisation of government and the rules of civil prudence. His followers turned the observation of the European states into a separate empirical discipline, the ‘*Staatenkunde*’. On the basis of his historical studies Arnisaeus argues that monarchy, defined as the rule of one man, promises orderly, stable and effective government. There are also good chances that as single ruler the monarch may serve the *bonum publicum* better than the governments of the few and the many. This plea for monarchy is based on considerations of civil prudence, and Arnisaeus accepts that it may be prudent to adopt other forms of administration for the sake of the *bonum publicum*. His own preference – against Bodin – for the elective monarchy of the old German Empire leads smoothly to an appreciation of the *respublica mixta*. Arnisaeus accepts Bodin’s definition of sovereignty almost completely, but he disagrees profoundly with the thesis of indivisibility. Whilst the *respublica* embodies and unites sovereignty, it ‘is not a simply faculty, but is composed of many powers’ (*ibid.*, Book II, ch. 6, § 1, no. 47 (p. 881)). And, as the Empire shows, these powers can be administered by several office holders. Taking about 250 pages for a detailed

analysis of the constitutional history of Germany, and of the role of Electors and Emperor, Arnisaeus concludes finally ‘in one word that the present state of the Empire is a mixture of Aristocracy and Monarchy, where the Aristocracy preponderates, but where the Emperor has full and highest power over the sovereign rights that remain with him’ (*ibid.*, Book II, ch. 6, § 5, no. 134 (p. 1084)).

As Arnisaeus realises, his redefinition of the *respublica* as the order of command and obedience has important ramifications for the meaning of concepts such as citizen (*civis*) and *civitas*. As these concepts leave the realm of politics, they start to lose connection with the republican idea that civic participation is the heart of politics. The citizen of the *civitas* becomes the subject of the sovereign government; the emphasis moves from civic participation to constitutional issues such as the rights and the duties of subjects (see Dreitzel 1991: 557 and Löther 1994). And as citizens turn into subjects, some of the followers of Arnisaeus start to use the concept of the ‘state’ for the description of the *respublica* as the order of command and obedience.

Many Political Aristotelians hesitated to adopt this separation of *civitas* and *respublica*. In 1607 Bartholomeus Keckermann published the *Systema disciplinae politicae*, which quickly became another foundational text of Political Aristotelianism. It was Keckermann’s ambition to build systems of knowledge for all disciplines. As a close follower of Zabarella, Keckermann became a ‘Systematic Aristotelian’.¹⁰ In addition to the *prudentia ethicae*, ‘which pertains to private happiness and individual man’, and the *prudentia oeconomicae*, which deals with ‘domestic society’, the *politica* featured under the heading of practical philosophy. Keckermann’s systematic study of politics focuses on the *politia* or *respublica*. The definition of *politia* and *respublica* remains close to the classical sources. He describes *politia* as the ‘ordo inhabitantium civitatem’ and he quotes Cicero to explain that the *respublica* is the ‘*res populi*’. The specific subject of the *politica* as a discipline is the ‘*status publicus*’, the order of the multitude as collectivity. Its specific aim is ‘public happiness’, which does not only mean peace and tranquillity, but also the ‘splendour of the commonwealth, opulence and abundance’ (Keckermann 1608: 7).

Having established the aims of *politica*, Keckermann starts an elaborate discussion of the ways to achieve both the principal and the less central parts of public happiness. Like Arnisaeus Keckermann analyses the whole range of ‘forms of republics’, which includes the three pure forms, monarchy, aristocracy and democracy, and four forms which Keckermann qualifies as

10. Schmidt-Biggemann 1983: 70 and for an extensive analysis pp. 89–100.

mixta and *temperata*. The *respublica temperata* consists of a mixture of two or three pure forms, and Keckermann spends many pages elucidating all possible combinations. His own preference seems clear from the outset: ‘the first and most perfect state of politics is where one governs and the others follow and obey’ (*ibid.*: 33). In Keckermann’s view a form of imperfect *respublica*, which he labels ‘polyarchy’, is laudable only if it succeeds in imitating monarchy in terms of unity and concord. In this respect aristocracy has better chances than democracy. The creation of a well-ordered and finely balanced mixed republic is presented by Keckermann as ‘difficilimum’. But he has positive words for the mixture of monarchy and aristocracy, recognising that many *politici* have argued that this form of the mixed republic is ‘most accommodating to the human character and least liable to change’ (*ibid.*: 561). The mixture of aristocracy and democracy is appropriate only for towns, where flourishing trade and crafts are dependent on the love of liberty. Keckermann sees the Netherlands and the free German towns as examples of such a mixture, having ‘democracy as its form of government, mixed with Aristocracy in its counsels’ (*ibid.*: 34).

This interest in the mixture of forms of government is shared by many Political Aristotelians. In long chapters they assess the *respublicae mixtae*, discussing Sparta, Rome, England, Sweden, Venice and of course the old Empire itself. The emphasis is often on the monarchy, and many Political Aristotelians are keen defenders of the sovereign rights of the monarch. Political Aristotelianism may be regarded as the major intellectual force behind the rise of the territorial, absolutist state in the old German Empire. But there were moments of great doubt, as Aristotelians observed the practical effects of the forms of government. Keckermann and even Arnisaeus qualified their preference for the efficiency and sheer power of monarchies and sympathised with the *respublicae mixtae* of the Empire, the small, temperate monarchies and the independent towns, which somehow left room for moderation and liberty (see Dreitzel 1970: 294). In accordance with the imperatives of civil prudence the Political Aristotelians felt that the legislation on the form of government should be based on practical considerations of civil prudence. *Au fond* they were constitutional relativists.

In the case of Christoph Besold such considerations contributed to a powerful defence of the *respublica mixta*. Writing in the 1620s, amidst the troubles of the Thirty Years War, Besold employs the language and concepts of Political Aristotelianism, but reaches out to Althusius and other Monarchomachs and adds an impressive group of Spanish, Italian and Dutch authors to his sources. Following Althusius Besold sees man as a symbiotic creature, who

finds communication, virtue and the good life in civil society.¹¹ At the same time Besold accepts Arnisaeus's distinction between *civitas* and *respublica*, but he qualifies the Aristotelian language of matter and form with a musical metaphor. Whilst the *respublica* brings the 'choir and harmony', the *civitas* provides 'persons and numbers' (Besold 1626b, ch. 5, § 2 (p. 48)). Besold defines the *respublica* in terms of *gubernatio* and *administratio* of civil society and he describes it as the location of supreme power, *summa potestas*. But Besold refuses to disconnect *summa potestas* and *populus*. Like Keckermann he goes back to Augustine to endorse Cicero's definition of '*respublica* as *res populi*'. As he quotes Augustine, 'the people is not just any multitude; it is a bond of the law based on consent, a society for common utility, and so I add to the definition, with supreme power' (*ibid.*, ch. 8, § 1 (pp. 76–7)). The addition has important ramifications. Besold joins the group of Dutch and German authors who sees this *maiestas realis* as the sole foundation for the administration of the commonwealth and the *maiestas personalis* of its administrators. This distinction leads to the outright rejection of Bodin's thesis of indivisible sovereignty and his negation of the *respublica mixta*. Besold simply refers to the variety of 'our Germany' with its Emperor, princes and 'free Cities' and he emphasises the relative value and mortality of each and every *status* of the *respublica*. The preference for the *respublica mixta* is based on a similar Aristotelian mixture of theoretical argument and empirical observation. Besold observes with approval that 'in almost all European provinces, the good of the people and the dignity of the prince rests with public assemblies (*publicis comitijs*)' (Besold 1622, ch. 9, § 9 (p. 327)). As he explains, 'the popular vote does not spurn the prince: *Vox Populi, vox Dei*' (*ibid.*, ch. 9, § 15 (p. 329)). Senates and popular assemblies are sources of prudence, stability and virtue. Besold argues in favour of shared sovereignty in a *respublica mixta* where 'the rights of majesty' are divided between the prince and the assemblies of the estates. As he puts it: 'This mixture seems to be the most finely balanced harmony, for some powers are best exercised by one person, such as the power of judging and imposing punishments, while there are others in which the participation of the orders or estates could hardly be denied without inequity' (Besold 1626c, ch. 2, §1 (p. 213)).

One of Besold's Dutch sources was the work of Paulus Busius, who published his main study, *De republica*, in 1613. In structure and vocabulary Busius's work shares the basic tenets of Political Aristotelianism. The intellectual context of his *De republica* was the rise of *Politica* – and Political

11. Besold 1626b, ch. 3 and 4. For Besold see Dreitzel 1992: 37–41 and Franklin 1991: 323–8.

Aristotelianism in particular – and the work of Bodin, who is repeatedly praised as ‘bonus author’. Busius, professor at the university of Franeker in Friesland, endorses Bodin’s definition of sovereignty as ‘ius & potestas Reipublicae supremum & legibus solitum’ (Busius 1627 Book II, ch. 1, no. 7 (p. 47)), but he rejects Bodin’s exclusion of the *respublica mixta*. Like Besold, Busius observes that most commonwealths simply belong to the category of *respublica mixta* and, like Besold, Busius is wary of absolute monarchy. Unlike Besold – but like Grotius – Busius has an outspoken preference for a republican form of government. The origins of his preference go back to Busius’s idea of the *civitas*. As the corporate body (*universitas*) of citizens – and therefore of free men – the *civitas* contains sovereignty. Its unity guarantees that sovereignty is absolute and indivisible. But, as Busius puts it, ‘to speak of one sovereignty does not entail the sovereignty of one’ (*ibid.*, Book I, ch. 3, no. 4 (p. 7)). These reflections have important consequences for Busius’s definition of the *respublica* which integrates the *civitas* with ‘the means to constitute and conserve it, what is usually called its state’ (*ibid.*, Book I, ch. 6, no. 1 (p. 19)). To speak of the state of the commonwealth is to speak of the ‘constitution and the public order of the whole civil society’ (*ibid.*, Book II, ch. 1, no. 2 (p. 47)).

Busius fails to understand how citizens as free men could ever accept absolute monarchy and he is obviously convinced of the advantages of a *respublica mixta*, where the aristocratic element dominates. He finds this sort of commonwealth in Venice and in the Dutch provinces. The most important Dutch Aristotelian philosopher, Franco Burgersdijk, shares Busius’s appreciation of aristocracy. In 1629 the States of Holland commissioned Burgersdijk to write a handbook for the study of politics at the *gymnasia*, the high schools of the province. In comparison with so many Aristotelian tomes the *Idea politica* is a refreshingly succinct textbook, that provides an elegant and concise synthesis of the study of politics.¹² As so many Aristotelians, Burgersdijk describes the ‘happiness of the commonwealth as the end of politics’, and he adds that ‘tranquillity’ and ‘civic concord’ are therefore paramount (Burgersdijk 1668, ch. 1, no. 13 (p. 7)). Burgersdijk accepts that in principle ‘monarchy is the simplest and best ordered state; therefore by nature it is the firmest one’ (*ibid.*, ch. 2, no. 2 (pp. 9–10)). But he immediately adds that because of ‘human weakness it is not always expedient to prefer monarchy as the form of the commonwealth’. In a typically Aristotelian way Burgersdijk explains his preference for the *respublica mixta*. Observation

12. Burgersdijk 1668; originally published in 1644. For Burgersdijk see the essays in Bos and Krop (eds.) 1993; Hans Blom’s seminal chapter on Burgersdijk’s political thought is also in Blom 1995: 67–100.

teaches that the commonwealth, where monarchy, aristocracy and democracy temper each other, is superior: 'As all see this state cannot disturb the commonwealth, because the two other forms restrain the third' (*ibid.*, ch. 24, no. 24 (pp. 218–219)).

As a follower of Keckermann Burgersdijk belonged to the group of systematic Aristotelians, who moved freely from one discipline to the other, from logic to politics. Burgersdijk's pupil Hermann Conring was the most eminent representative of the last generation of Political Aristotelianism as it came under intense scrutiny and critique (Stolleis (ed.) 1983). The brothers De la Court were two of the fiercest critics. According to Pieter de la Court, his brother Johan wrote his *Political Discourses* as a direct challenge to the German *politica*. Pieter explains that Johan's reflections originated from his dissatisfaction with the lack of good political studies of the republics in Germany, Switzerland and the Netherlands. The 'Latin books, parading with pretentious titles such as *Politica*, *Systema Politicum*, *Doctrina Civilis*, *Prudentia Politica*, *de Republica*, *Arcana Rerumpublicarum*, *Aphorismi Politici*, *Axiomata Politica*, etcetera, written by some German Professors, Doctors, Preachers and Schoolmasters' are condemned by De la Court as 'pedantically cowardly, tasteless, scholastic, full of ignorance and of wrong, damaging and seditious opinions' (De la Court 1662b, Preface, fo. 2). Nonetheless De la Court's own work *Political Balance* follows many of the conventions of the discipline which the brothers condemn so strongly (see De la Court 1662d). In structure and vocabulary *Political Balance* is in many ways a conventional *politica* with, however, a number of striking innovations.

Following the latest developments in philosophy and natural law theory De la Court opens *Political Balance* with an elaborate and distinct theory of human nature and the passions. De la Court is deeply informed by the new theories of passions that dominated Dutch philosophy the middle of the seventeenth century.¹³ The brothers emphasised the influence of Thomas Hobbes on their own account of how passions and *amour propre* must result in the war of all against all which characterises the 'miserable state of human nature'. In line with Hobbes and Grotius, De la Court also emphasises how the rationality of self-preservation dictates the contractual formation of a polity or political state where sovereignty is absolute and undivided in the sense of Bodin's definition.

In assessing the best form of government De la Court follows the standard patterns of the *politica*. The brothers offer extensive discussions of monarchy,

13. See the important analysis in Blom 1995: 177.

aristocracy and democracy which combine more normative evaluations with extensive empirical analysis. The brothers are fierce anti-monarchists (see Wyger Velema's contribution to this volume, pp. 9–25 above) and champions of true liberty and of the free republic, because it excels in the virtues of prudence, industry, and truthfulness, in the moderation of passions and evil, in peacefulness and in education (De la Court 1662d, Part II, Book II, ch. 3, pp. 320 ff.). De la Court's celebration of the republic is greatly influenced by Italian authors such as Machiavelli and Boccalini.¹⁴ The explicit recognition of Machiavelli was as striking as De la Court's plea for democracy and the mixture of aristocracy and democracy as the most natural, rational, and equitable forms of government. The brothers do not, however, share Machiavelli's preference for the expansive Roman Republic. *Political Balance* includes a harsh critique of Rome, qualified as 'this pool of murderers and wolves, the most odious and gruesome Republic on earth' (De la Court 1662d, Part II, Book VI, ch. 4, (p. 513)). In line with traditional Dutch republicanism the brothers De la Court favour peace, concord, moderation and prosperity.

The brothers De la Court started a new flourishing of Dutch republican writing, which included the work of Franciscus Van den Enden. *The Free Political Propositions and Considerations of State*, published in 1665, offered a radical defence of democracy based on the recognition of the primacy of passions and interest. Van den Enden argued that in the state of natural liberty and equality the passions and interest would 'necessarily' drive men to 'mutual sociability . . . first because of need and comfort, but later also from the enjoyment of enhanced lust and pleasure' (Van den Enden 1992: 139). From the state of 'natural and equal liberty' men would move to the commonwealth out of their own interest. Van den Enden defined the commonwealth as 'the association of men, which incorporates, as it based on the foundation of equable liberty, such an equability of orders, laws and mutual assistance . . . that the state of each member will not be weakened or diminished, but on the contrary will be improved to the benefit of common utility' (*ibid.*: 146). According to Van den Enden free men and women will only accept to become free and equable citizens of a 'free republic'. In passionate passages Van den Enden fulminated against 'pretentious Politicians' who had argued in favour of the 'political states' of monarchy and aristocracy; Machiavelli was attacked not only as 'an infamous, and outspoken advocate of dirty superstition and deceit' but also as the woeful author of the mixed republic (*ibid.*: 160–2). As

14. See the fine chapter on De la Court in Haitsma Mulier 1980: 120–70.

Van den Enden emphasised time and again, the primacy of interest means that ‘what one may propose to the good of the people should be submitted with reason and as clearly as possible to the judgment of the same people’. Only ‘the entire people, assembled together, will and cannot but purely will the common good’ (*ibid.*: 172–3).

Van den Enden’s forceful plea for democracy seems a radical departure from the celebration of the *respublica mixta* in Dutch and German traditions of *politica*. When he was questioned by the French authorities in 1674 Van den Enden himself argued ‘that there are three sorts of republics, namely, the republic of Plato, the one of Grotius and the utopia of More, and that he had tried to develop a fourth one’ (see Klever, ‘Inleiding’, in Van den Enden 1992: 84). But the break with traditional Dutch political thought had its limits. In his account of the state of nature and the origins and limits of civil power Van den Enden, like the brothers De la Court, still follows the conventional pattern of *Späthumanistisch* thought, which Grotius had adopted at the beginning of the century. Like Grotius, Van den Enden returns to Tacitus and the days of Roman and Batavian antiquity to argue – in direct contravention of Grotius’s plea for aristocratic preponderance – that equable liberty and democracy were the ancient foundations of Holland (Van den Enden 1992: 185–6). Van den Enden also returns to the Dutch Revolt. Adopting a typical classical and humanist device the *Free Political Propositions* features a long speech by a fictional leader of the Revolt, who contrasts the tyranny of ‘count Philip’ and the deceit of popery with the Dutch love for equable liberty, toleration and democracy. There is, however, still room for an aristocratic element. Van den Enden argues that the assembly of male citizens should include a group of virtuous *optimates*, who can take the leading role in the assembly because they excel in ‘ability and courage’ (*ibid.*: 180). In the free and equable republic aristocracy and democracy are not mixed; aristocracy is incorporated in democracy.

III. Conclusions

In discussing issues of liberty, sovereignty, democracy, aristocracy and civil prudence, Herman Conring, the brothers De la Court and Franciscus Van den Enden were the direct heirs of the *Späthumanisten* who had turned the study of politics into an autonomous academic discipline. Following Italian predecessors, northern Aristotelians, Monarchomachs and Republicans had established politics as the discipline of civil philosophy. Its aim was to enhance the public good and the good life. In reply to fundamental changes in Renaissance

philosophy, exemplified by Ramism and Neo-Aristotelianism, Dutch and German *Späthumanisten* had separated *politica* from theology and ethics. They developed new systematic approaches to the study of politics, each with its own *methodus* and *ordo*. The models varied from medicine to mathematics. Debate on these issues had been vital and innovative. The political relevance of *politica* did not just consist of direct commentary on the political problems of the Dutch Republic and the German Empire. The grand ambition of the *Späthumanisten* was to change politics and society through new systems of inquiry, persuasion and – perhaps most importantly – education.

But the separation of politics from theology and ethics demanded a price. Well-trained Political Aristotelians, Monarchomachs and Republicans were poorly equipped to address the new issues concerning human nature, soul and body, and the place of the passions. Philosophers such as Descartes and Hobbes also raised new questions concerning scientific method. As Hermann Conring and Franciscus Van den Enden realised, they were no longer living in the world of Ramists and Aristotelians, but of empiricists, Cartesians and geometrists. Once again profound changes in philosophy and the understanding of science started to change the study of politics, leading to the demise and renewal of the lessons of Aristotelians, Monarchomachs and Republicans. Conring corresponded with Samuel von Pufendorf; Van den Enden was the host, teacher and friend of Baruch de Spinoza.

Debating the *respublica mixta*: German and Dutch Political Discourses around 1700

HANS ERICH BÖDEKER

I

In the last three decades of the seventeenth century the crisis of Political Aristotelianism deepened (see Dreitzel 1988 and the previous chapter in this volume). The repercussions for the debates on the *respublica mixta* were profound. On the European continent the traditional theory of the mixed constitution had remained vibrant in the regions and territories where the estates had retained their influence through forms of political representation. The theoretical debates reflected the various constellations of political interests.¹ Mixed constitutions were named after the dominating element. The constitution that mixed monarchy with aristocratic elements in the form of representative assemblies was labelled *monarchia sc. mixta*. The long debates on the structure and possibilities of mixed constitutions featured a combination of three images. The image of various social groups having different sovereign rights and the fundamental assumption that the mixed constitution should be a balance of three possible elements, the monarchical, aristocratic and popular, led to the question whether the political system should be based on a mixture of just two or all three of these elements. The second image was one of cooperation between the various institutions, persons and groups in the division of sovereign rights. The third image was that of the division of power. It was suggested that it would be possible to distribute the individual, functional parts of sovereignty, of *iura maiestatis*, among various institutions and persons. In addition, as early as the beginning of the seventeenth century, it was proposed that the mixed constitution could work only if its distribution of sovereign rights was codified in the form of a written, untouchable fundamental law. The problem of this proposal was that

1. For the intellectual and historical context see Nippel 1980, Dreitzel 1992 and Kossmann 1960.

contemporary thought strongly suggested that every holder of sovereign rights would by necessity be entitled to defend his right with the use of violence.

Political Aristotelians tried hard to take account of political change and to incorporate new perspectives into their *scientia*. They dealt with new concepts such as *leges fundamentales* and *ratio status*, but in the end the inner dynamics of the Aristotelian approach was a distinct and relatively autonomous factor in its crisis and demise. From the beginning Political Aristotelianism had an unclear relationship with natural law. Political Aristotelians developed natural law as a distinct and separate area of study. They also had problems with ‘civil prudence’. The systematic integration of the analysis of *prudentia civilis* as the practical part of the study of politics proved to be problematic (see Dreitzel 1991 and Haakonssen 1996). Both problems were connected. In the development of political theory the *ius publicum universale* pushed the old *pars architectonica* of Political Aristotelianism aside. This implied a gradual transition to a deductive system of reasoning that made Aristotle’s *Politics* superfluous. Modern natural law reacted to the breakdown of the old harmony and unity of the legal order and religious truth with a search for a new foundation of norms that crossed the new confessional divides (see Dreitzel 1991 and Haakonssen 1996). It based its critical stance towards the old methodical traditions on the innovations in natural science. It took over new methods that promised certainty of knowledge and adapted them to the classical subjects of politics. In the course of the debates that marked this process of innovation, the individual and anthropology became the central subjects of philosophy. The needs and duties of the individual were the foundation for the derivation of social obligations, providing both their legitimation and indicating their limits. It should be emphasised that natural law not only provided the leading principle of the theory of the state but that it also became the foundation of ethics, where Aristotelianism was moved to oblivion in a similar way.

The demise of Political Aristotelianism in terms of plausibility during the final decades of the seventeenth century was reflected in the contemporary critique of Aristotelians as ‘scholastics’ and ‘scholarly hermits’. The dissatisfaction with Aristotelian politics was expressed in lengthy catalogues listing its mistakes and lacunae. The wave of critique culminated in ironic and biting comments on the discrepancy between the lectures of professors and the reality of power politics, manifesting itself in the strengthening grip of monarchs on the European continent. These passionate debates were connected with a long-lasting conflict amongst academics about issues of

scholarly liberty and primacy. The theologians were ousted by laymen; the primacy of juridical-theological doctrines in confessional Europe was superseded by the juridical-philosophical approaches of the early Enlightenment (see again Dreitzel 1991 and Haakonssen 1996).

As Political Aristotelianism moved forward on the road of slow and steady demise, serious questions and doubts were raised during the second half of the seventeenth century concerning the descriptive and hermeneutic value of the doctrines of the mixed constitution,² despite their apparent capacity to deal with new issues and to incorporate new perspectives. This development had both historical and theoretical causes. The following analysis of the debates on the model of the *respublica mixta* seeks to highlight the criteria that were developed to reject the *respublica mixta* or, alternatively, to incorporate it into the new discourses of politics. It was above all the new premise of indivisible sovereignty that led to the theoretical rejection of the concept of *respublica mixta*.³

My analysis of German and Dutch political discourses is based on the recognition of the international character of Dutch and German scholarship around 1700. During the last decades of the seventeenth century the universities of the Old Empire and the Dutch Republic were eager to incorporate the *ius naturae et gentium* into the curriculum, thus exemplifying the long-lasting response to Grotius's legal synthesis and the strong echo of Pufendorf's system of natural law (see Othmer 1970). The impressive numbers of foreign students, particularly of German ones, at Dutch universities indicate their pulling power. At the same time studies of German and Dutch professors were used as textbooks in both countries. The reconstruction of the debates on the *respublica mixta* is built on the recognition that around 1700 Dutch and German scholars were involved in a fine and elaborate network of intellectual exchange (see Schneppen 1960, Frijhoff 1981: 98–107, 380 ff., and Mörke 1995).

This sketch of the historical context indicates that the debates on the *respublica mixta* should be explored along thematic and structural lines. I will mainly focus on the intrinsic conflict within a system of thought and not so much on the process of historical development. The positions and arguments around the *respublica mixta* will be highlighted by focusing on four theorists: Spinoza, Pufendorf, Gottlieb Samuel Treuer and Ulrich Huber. The works of these four authors are paradigmatic for the main theoretical conflicts.

2. A point made in most recent research.

3. This issue has been neglected in a lot of recent research, but see the previous chapter in this volume.

II

At the end of the seventeenth century positions that supersede the traditional concept of the *respublica mixta* and indicate new directions are developed only in the margins of the political debates within the Dutch Republic.⁴ As he kept his distance from the political events of the period of John de Witt's 'True Freedom', Spinoza more than anybody else succeeded in transcending both the traditional relativism of the reflections on the forms of government and the limits of the traditional conception of liberty with its strong emphasis on ancient liberties.⁵ Spinoza's theory of the republic and its constitutional requirements moves far beyond the works of the protagonists of 'True Freedom' and even beyond the arguments of the brothers De la Court, whose arguments are used so frequently by Spinoza. The description of the constitution of the optimal state in the *Tractatus theologico-politicus*, which Spinoza develops in the sixties, is still strongly orientated towards the state as it exists under the government of the brothers De Witt.⁶ With this polemical treatise Spinoza intervenes in the debates on the functions and the scope of the authority of the government in the Netherlands. But even though he provides a theoretical justification of De Witt's policy, Spinoza can hardly be seen as a docile follower of the republican regents. Whilst the *Tractatus theologico-politicus* is an important testimony to Spinoza's practical interest in the social and political affairs of his time, the second, uncompleted *Tractatus politicus*, which Spinoza writes during the mid-seventies, exemplifies his interest in systematic theory. The transformation in republican argument between the two treatises is hard to miss. The second treatise celebrates the free and ultimately democratic republic (see Walther 1993). This is a decisive break with the still highly influential language of Political Aristotelianism. But it is more. The analytical and amoral character of Spinoza's political propositions sets them apart from other contemporary theories. Spinoza explicitly recognises and follows the traditions of the *politici*, including Machiavelli, whose writings on the state he considered to be so much more poignant than those of the philosophers. Spinoza sees the citizens as 'the real addressees of Machiavelli's teachings'. Therefore, as Manfred Walther writes, whilst Spinoza's reflections 'reach a pure analytical character, they also highlight the republican objective to secure the liberty of the citizens' (Walther 1992: 248). Spinoza

4. In addition to Kossmann 1960 see Schilling 1992, Haitsma Mulier 1987: 179–80 and especially Blom 1995.

5. For Spinoza's political theory see most recently Blom 1995, who explores the various interpretations.

6. See Wolfgang Bartuschat's introduction to Spinoza 1994: xv.

develops his theory of the political in explicit opposition to the moral and idealist tradition of political science. This does not yet apply to Spinoza's initial approach to politics, as developed in the *Tractatus theologico-politicus*. Here Spinoza still seeks to derive the constitution of the state from the way the individual appreciates the nature of the self. But Spinoza is already starting to criticise this approach to political theory, which he sees as dominating almost the entire discipline. In Spinoza's view political theory is still mainly based on a moral image of man as acting in accordance with reason (*ibid.*: 255). Against this he argues that the real nature of man should be the point of departure for the theory of political institutions. In the introduction to the *Political Treatise* Spinoza makes the decisive move, condemning explicitly those 'philosophers' who 'conceive of men, not as they are, but as they themselves would like them to be' (Spinoza 1951b, Book I, ch. 1 (p. 287)). Thus deluding themselves these 'philosophers' pen chimeras or utopian dreams, far removed from reality, instead of useful theories of the state. Spinoza's own theory is based on the recognition that men's preferences and actions are not so much governed by rational 'deliberation' as ruled by affects that result from the manifold impressions from objects in the world around us. Spinoza develops his grand and ambitious theory of affects and passions because reason does not govern most men. He seeks to reveal the 'common nature' of man and he wants to take what all men have in common as the foundation of the state.⁷ It is beyond doubt, according to Spinoza, that subjection to the affects makes men 'fall to strife' (Spinoza 1951b, Book I, ch. 5).

Even more primeval than reason and affectivity is the striving to persevere, 'conatus sese conservandi' (Bartuschat 1992: 133 ff., 142; see also James 1997: 145 ff.). Common to all, it is the quintessential mover of man. As Warren Montag notes, 'self-conservation requires constant activity and the more active and powerful the mind and body of the human individual the greater the likelihood of conserving oneself' (Montag 1999: 33). So Spinoza diminishes the importance of reason for the formation of the state. He regards the state as the outcome of the interaction between the affective powers that move men and that give birth to the natural conditions of human sociability. Spinoza accepts the traditional argument that the necessity of sociability stems from man's inability to preserve himself without engaging in cooperation with other men. This cooperation is not the result of rational calculation, but of the mechanics of the affects, the topic of the third part of Spinoza's *Ethics* (see Bartuschat 1992: 134 ff., 168 ff., 278 ff.). The association between

7. For Spinoza's anthropology see Bartuschat 1992.

individuals, which leads to the formation of the state, is the natural result. It will always happen, because, striving to persevere, men will adapt themselves to each other and will naturally form alliances. Owing to the very fact that the powers of man are limited by external powers, men will transfer power to each other and they will start to do so even without an explicit decision and act to set up cooperation (Walther 1992: 256). The crux of Spinoza's argument is that man always lives in social relationships, because he could not survive without them. Hence Spinoza sees the state as grounded in the natural sociability of man, on the natural powers that manifest themselves in the affective striving. This recognition leads him to prioritise the reality of political practice, instead of falling back into mere theorising.

This recognition also means that a physical model for the formation of the state, as based on powers that mechanically arrange and associate themselves, will no longer do. Spinoza cuts off the possibility of deriving law on the basis of the rational calculation of self-preservation alone, of producing law by way of rational contract, independent from the real interventions of men, and of providing a purely rational legitimation for the authorities that guarantee such law. Such a conception requires a degree and sophistication of rationality that is well beyond the natural state of man's existence. Only in the process of building up society will man's reason reach this level of sophisticated rationality (Walther 1996: 145, 149). This is the basis for Spinoza's rejection of Hobbes's attempt to explain how moral and political institutions naturally result from the rational actions of individuals who merely seek to further their own interest. Hobbes's attempt is utopian. As developed in the mature theory of the unfinished *Political Treatise*, Spinoza's argument, that political institutions should ultimately be grounded in man's affective nature, leads to the decisive repudiation of contractual theory. Initially, in the *Tractatus theologico-politicus*, Spinoza merely qualifies the importance of the historical contract, but in the *Political Treatise* he develops his argument to its full and final meaning, assigning the origins of the state directly to man's nature.

Spinoza does not fully free himself from the pervasive terminology of modern natural law, and he often uses the theorem of the state of nature.⁸ He even seems to be formulating two theories that contradict each other. One seems to suggest that the state of nature does not exist (Spinoza 1951b, Book II, ch. 15, 2) the other that men will always remain in it (*ibid.*, Book III, ch. 3). The denial of the existence of the state of nature implies that there cannot be a pre-social state because man is constituted in such a way that he

8. For the intellectual context see Walther 1985.

cannot exist without 'already and always' existing in society. In Spinoza's view the state of nature, as described in conventional natural law theory, comes down to a description of the sociability of man that leaves out its intrinsic tensions because it fails to recognise the social aspects of what are described as man's natural characteristics. Spinoza's conception enables him to deal with the philosophical puzzles of Hobbes's contractual theory of the state. As Manfred Walther has argued, 'Spinoza develops the implicit democratic logic of the constitution of the state, which is also found in Hobbes', rejecting its 'transcendental disappearance' in the contract of *Leviathan*. In strong contrast Spinoza turns it into a 'model for a government whose procedures are intertwined and whose authority is limited in accordance with the spirit of the democratisation of the state' (Walther 1992: 150).

Like Hobbes, Spinoza also speaks in terms of the natural right of the individual, but he equates it, in a more consistent way than Hobbes does, with the individual's practical powers. The natural legal order is for Spinoza the same as the natural distribution of power (see Walther 1985). What individuals can do by force of their needs, interests and instincts equals what they are entitled to do by nature. According to Spinoza the main difference between Hobbes and himself was that he left natural law untouched (see Bartuschat 1992: 224 ff.). It follows that for Spinoza the state cannot be an institution that is detached from individuals, at least not if it should have a rational structure, and that is the sort of state which Hobbes seeks to achieve in his own vocabulary by means of the contract.

At the end of the day Spinoza sees both 'the state of nature' and 'the state of the political' as different expressions of human powers. Spinoza's concept of the law, that plays such an important role in his theory of the state, is tied to power.⁹ Spinoza characterises the natural power of man as his right. It is his right by nature, because it is independent from the state and from its positive laws. Man is already entitled to it in the pre-statal condition. This characterisation of natural power as right has important ramifications for positive civil law. Spinoza sees the power of the individual as untouchable and the state should stay clear of it, especially when it makes its civil laws. To issue laws against the natural power of man merely means that these laws will have no effect.

The real subject of politics is in Spinoza's view not the individual but the *multitudo*, the multitude of all men living in a state (Montag 1999: 62 ff.; see also Balibar 1985). On the basis of the thesis that the right of the individual

9. See Bartuschat 1992: 238 ff.; see also Den Uyl 1983, who has emphasised the importance of the concept of individual power as one of the foundations of Spinoza's political theory.

equals his power Spinoza develops a new theory of popular sovereignty. He does not see the people in the sense of *populus* as embodied by some representative institution but as the *multitudo*, as the acting multitude of men unified by their very own affects. Of course the sovereignty of the state entails sovereign rights, but Spinoza defines these rights in terms of the powers of the *multitudo*. As Montag puts it, 'sovereignty, right defined by the power of multitude, thus has the people as its genuine possessor: the sovereign is only its administrator. Spinoza thus returns as Hobbes had done in *De cive*, to the thesis of original democracy' (Montag 1999). Spinoza argues that *summa potestas* should be grounded in the consent of those who are governed. He favours a fundamental reciprocity and permanent interaction between those who govern and those who are governed (see Walther 1992: 99). The power and therefore the right of the sovereign to dispose of the power of the citizen exist as long as both are reproduced in a permanent circular flow of power. Nobody will ever give up his natural right to judge the leaders and the institutions of the state on the basis of his own preferences and to act in accordance with the affects that follow from this judgment. The willingness of the citizens to cooperate and their consent are the material restrictions of the *summa potestas*. They are the untouchable limits of sovereignty, even when Spinoza characterises the sovereign in terms of *legibus soluta*.

Spinoza's characterisation of sovereignty is closely linked with his argument that liberty is the ultimate objective of the state.¹⁰ The reciprocity between liberty and state is one of the grand themes of Spinoza's work. It recurs almost permanently, for example when Spinoza defends the 'freedom to philosophise' (see Biasatti 1990, Remus 1992). Spinoza identifies the ability of the individual to think and judge freely as his natural right. The individual can neither transfer this natural right to somebody else at his own free will, nor can he be forced to do so. Spinoza's concept of liberty does not only refer to the freedom of scientific research, which is bound only to the truth and hence should be independent from the state, but also to a liberty *vis-à-vis* the laws of the state. These laws must be submitted to the judgment of the citizens. If they are claimed to be the laws of all citizens then they should elicit universal consent. Ultimately this means, as Wolfgang Bartuschat points out, 'that the freedom to philosophise is not just something that the state can allow without danger because it is of no real interest to the state'. On the contrary the acceptance of this freedom is 'an absolute requirement for the self-preservation of the state and a condition for its ability to

10. This point is emphasised strongly in recent research; for a good summary see Bartuschat 1992: 255 ff.

carry out its functions' (Bartuschat 1992: 258). The issue of freedom within the state, that is already central to the *Theologico-Political Treatise*, evolves in the *Political Treatise* into the question of the stability of the free state. Spinoza wants to show that it is possible to achieve the stability of the free state under the current conditions that determine human life, here and now. It is not necessary to wait until reason matures and true rationality is finally established. In Spinoza's theory stability and the limits of the state are directly connected.

Spinoza never speaks in terms of the 'optimal state'. He always talks about 'the best form of each government'. This choice of words expresses his conviction that the constitutive nature of the state is inevitably democratic ('the united multitude of all'). Hence there cannot be a variety of forms of state, merely a variety of forms of government. The *multitudo* is the necessary foundation of all specific constellations of power, as these are analysed in the theory of the forms of government (see Montag 1999: 62 ff.). The main criterion of differentiation concerns the degree to which the forms of government achieve 'absolute *imperium*'. The 'absolute form of government' is the one 'which is held by an entire multitude' (Spinoza 1951b, Book VIII, ch. 3). Such a form of government succeeds in integrating the *multitudo* and the expression of its common power into the legislative process. Spinoza wants to show that, regardless of the specific form of government, the power to rule increases its stability to the degree that it succeeds in institutionalising the reciprocal action between magistrates and citizens. Monarchy is least successful in meeting this requirement, aristocracy fares better. But only democracy can really reach fulfilment. Monarchy and aristocracy maintain, albeit in different degrees, the opposition between government and citizens. Hence there is always at least a looming danger to their stability. This is most obvious in the case of monarchy. Aristocracy succeeds in overcoming the polarity between monarch and people, each with their own limited competence, but even in the case of aristocracy sovereignty cannot really be absolute. It is after all based on the rule of an élite, which is still facing, indeed confronting, the multitude. Democracy is the true model of 'absolute sovereignty', 'the most natural' form of government 'and the most consonant with individual liberty'. As Spinoza explains, 'in it no one transfers his natural right so absolutely that he has no further voice in affairs, he only hands it over to the majority of a society, whereof he is a unit. Thus all men remain, as they were in the state of nature, equals' (Spinoza 1951a, Book I, ch. 14, 2 (p. 207)).

In Spinoza's theory stability is not incompatible with individual liberty. Proper stability includes liberty. In the defence of democracy as the 'best

form of government' three vital elements of Spinoza's political theory come together: (see Walther 1992: 260 ff.) democracy is the most 'natural' form of government, because it offers the best opportunity for human beings to develop and use their abilities. Democracy is the form of government that is most conducive to liberty and equality, because it grounds liberty in the self-government of the citizens. Democracy is finally the most rational form of government, because it enables the citizens to be free and to follow their own reason.

This is a staunch plea for democracy, but unfortunately Spinoza died before he could work out the details of his proposals. He favours democracy in powerful passages, but, in a moment of theoretical inconsistency, he is rather cautious about putting democracy into practice. As Warren Montag notes,

excluded are not only foreigners, who remain under the jurisdiction of the laws of their ordination, not only children who remain dependent on their parents, as well as criminals who have forfeited their rights through illegal and dishonourable acts, but all women and servants. In one stroke, Spinoza has eliminated from political participation in his absolute democracy the vast majority of the population, leaving a tiny minority endowed with democratic rights.

(Montag 1999: 83)

The radical nature of Spinoza's principles and proposals for political reform means that he is a critic of many contemporary conceptions of the mixed constitution. On logical grounds the central principle of indivisible sovereignty excludes both the recognition of the mixed constitution and the possibility of the division of sovereignty. In political terms Spinoza's repudiation is directed against the Stadholderate in the Dutch Republic. Instability is a further ground for the rejection of the mixed constitution. The opposition between rulers and ruled that governs the *respublica mixta* endangers the liberty and stability of the state. The fall into despotic monarchy is a permanent danger. But this powerful rejection of the *respublica mixta* does not lead to a complete break with constitutional traditions. On the contrary, as Eco Haitsma Mulier has shown, Spinoza incorporates many individual elements of the constitutional ideas of classical republicanism into his own revolutionary theory (Haitsma Mulier 1980). Its revolutionary nature challenged Europe's censors. For most contemporaries Spinoza's theory remained a closed book.

III

Whilst Spinoza did not immediately become a household name, the works of Samuel Pufendorf quickly became international bestsellers. Pufendorf's new systematic approach to modern natural law, that combined the material focus of the Aristotelian tradition with the new mathematical and scientific approach, had a major impact throughout Europe.¹¹ He succeeded in resolving the problem that Political Aristotelians had recognised but not answered. It was the challenge to unite the norms of ethics and law into a *scientia*, into a 'synthetic' and deductive system. The profusion of editions of Pufendorf's works established the paradigm of natural law as the dominant approach in political theory (see Othmer 1970).

Pufendorf's theory of natural law is based on an anthropology in which notions of individualism and sociability supplement and influence each other (Behme 1995: 39 ff. and Denzer 1972: 59 ff.). Man's talents enable him to do both good and evil. Pufendorf is enough of a Lutheran to appreciate the corruptibility of human nature. Man is a solitary being who is weak when he is alone, and therefore dependent on the support of others. The concepts of feebleness, *imbecilitas*, and sociability, *socialitas*, are the keywords in Pufendorf's conception of human nature (see Palladini 1989 and Denzer 1972: 92 ff.). He deems his conception, which can be fairly characterised as Hobbesian, to be realistic.

The connection between natural rights and the obligation to sociability establishes the contract as the central feature of Pufendorf's theory of natural law. The state comes into being through the legal act of making a pact.¹² As such the state befits not only the possibilities of man as a species but also his inclination to lead a social life. The state is the result of the free decision and consent of individuals. Pufendorf does not see the state as the result of a development from pre-statal societies. For Pufendorf the state is in fact both the most natural and most artificial form of society. As the concept of the contract indicates, the legitimation of the state is no longer based on God's grace. Pufendorf sees the state as a secular institution.¹³ The *civitas* is no longer a *societas perfectissima*, where it is possible to actuate the rational nature of man and to achieve the good and blessed life. Pufendorf reduces the *civitas* to an emergency ward, which guarantees the minimal requirements of sociability, inviolability and equity, and which

11. See most recently Behme 1995; the older study of Denzer 1972 remains important.

12. For a good digest see Behme 1995: 120 ff.; see also Wyduckel 1996.

13. For Pufendorf's debates with his theological adversaries see Palladini 1978.

warrants the enforcement and validity of these natural laws by means of civil law.

Pufendorf and the majority of his followers amongst the German jurists distinguish between a number of stages in the making of contracts by the fathers of households who agree to set up a community.¹⁴ Pufendorf conceives of the state of nature not as a lawless sphere of human action but as the theoretical model for the free decisions of individuals to associate themselves in a society. This agreement of will takes place in three stages. First the social pact is concluded. As Pufendorf puts it,

if we imagine to ourselves a multitude of men endowed with natural liberty and equality, who voluntarily set about to establish a new state, it is necessary for the future citizens, as the first step, to enter into an agreement, every individual with every other one, that they are desirous of entering into a single and perpetual group, and of administering the considerations of their safety and security by common council and leadership.

(Pufendorf 1672, Book VII, ch. 2, para. 7; see also Pufendorf 1660, Book I, ch. 12, para. 27)

The initial social association is the basis for the founding of the state by means of the real contract, which establishes both the institutions of political authority and the conditions of its exercise as set out in particular in the fundamental laws (Pufendorf 1672, Book VII, ch. 2, para. 7). Much more than Hobbes Pufendorf appreciates the contract as the legitimation of the state. Hobbes allowed the individuals to desire only the state as such; in terms of legal action the people never became a 'societas'. This is different in Pufendorf's theory. By consequence he argues that the freedom of making contracts is guaranteed only when individuals cannot just want 'the state' but can actually opt for a specific form of state. The contract should enable them to determine the material substance of the state. The empirical variations in constitutions are based on the establishment of the *forma rei publicae* by way of contract.

The distinction between social association and political contract means that the people, which has constituted itself as legal subject in the social association, yields only those rights to the sovereign that are required for the state to function properly. In this construction the people remains a legal subject. It is able to reclaim its rights, when the sovereign does not do his duty. So the distinction between the two agreements helps to clarify the difference between the natural and legal state of the people. Owing to the separation

14. For what follows see especially Denzer 1972: 160 ff.

between social association and political contract the citizen can choose to endow the elected sovereign with either absolute or limited power. In case of absolute authority the people has granted sovereignty under the mere conditions of natural law and the ends for which the state was instituted. Moreover in this case there is no procedure to deal with the violation by the sovereign of his duty (see Behme 1995: 146 ff. and Denzer 1972: 181 ff.). Limited authority means on the contrary that the sovereign accepts, by way of a written constitution, specific limitations on the exercise of civil authority. He also accepts institutions such as a senate or popular assembly, to whose decisions he is tied in a certain range of issues and which are entitled to ascertain violations of the limits of authority (*ibid.*). In this case the ethical duties of the sovereign are supplemented with his contractual obligations.

The distinction between absolute and limited regular forms of government is particularly relevant to Pufendorf's opinion of monarchy. Limited monarchy means that the monarch has not just received sovereignty with the general, perhaps even tacit, promise to use it rightly – as even the absolute monarch is bound to do – but that he has also accepted specific obligations concerning the exercise of authority. These obligations can readily be identified with written constitutional treaties. There is a further distinction between limited monarchies. Whilst some monarchs are merely bound in conscience, others have accepted specific *leges fundamentales*. The final important distinction Pufendorf makes is between the state and person of the sovereign. This distinction is derived from the sequence of decision making in which the decision concerning the form of the state precedes the specific agreement on sovereignty.

For Pufendorf sovereignty is still the hallmark of civil authority (Behme 1995: 131 ff; Denzer 1972: 176 ff.). But against his theological opponents he insists that the political contract is the direct source of sovereignty, whilst God is merely the indirect one.¹⁵ And even though Pufendorf's theory of sovereignty is strongly influenced by Hobbes, it is important to recognise that the result of Pufendorf's deliberations differs from Hobbes, especially on the issue of the limits of civil authority (see Denzer 1972: 180 ff.). Unlike Hobbes Pufendorf does not connect the concept of sovereignty with absolute power. For Pufendorf sovereignty stands for the absolute power to command, as founded on the contract and as limited by natural law and the ends of the state. Even when sovereign authority, which is carefully distinguished here from the authority men wield in families and households, stands above

15. For this point see Palladini 1978.

civil laws, the sovereign is still obliged – and again Pufendorf disagrees with Hobbes – to respect his own laws. In doing so he will give a good example to the people and he will secure the order of state (*ibid.*: 181 ff.).

Pufendorf's theory of sovereignty also includes the traditional notion of indivisibility. Hobbes is the main source for Pufendorf's rejection of the division of sovereignty, be it in real or potential parts, into *partes subjectivae seu potentiales* (*ibid.*: 177 ff.). Sovereignty is not composed of parts, but it results in different powers within the commonwealth. Pufendorf specifies legislative, executive, punitive and judicial powers. He also accepts that the government is subdivided into departments of expertise and that civil servants and ministers support the sovereign. But this subdivision of sovereign powers is merely a matter of delegation; they all remain under the responsibility of those who wield supreme power. The individual functionaries of the state are therefore not sovereigns, but merely representatives.¹⁶ For this reason Pufendorf objects to Grotius's proposals for the permanent division of sovereign powers, to be settled by decree. Such powers would assume independence and a new set of mutual checks and balances – not favoured by either Grotius or Pufendorf – would become necessary (Dreitzel 1991: 1, 132). Owing to the emphasis on the indivisibility of sovereignty Pufendorf does not develop a theory of the general sovereignty of the state, but allocates specific forms of sovereignty to the various forms of the state. Likewise Pufendorf rejects the concept of popular sovereignty; after all sovereignty only comes into being with the establishment of civil authority in the political contract. According to Pufendorf, supreme power, *summum imperium*, encompasses legislation, jurisdiction, matters of war and peace, international treaties and alliances, and fiscality (see Pufendorf 1672, Book VII, ch. 4, paras. 1 ff.). His theory, which sees those who have supreme power as embodying the will of the state, becomes widely accepted in German natural law theory.

Pufendorf sees the political institution that characterises a specific form of the state as holding sovereignty as a legal person that is identified with the *persona moralis composita* of the state (Denzer 1972: 185 ff.). In principle his theory of sovereignty covers all regular forms of the state, but in practice there is a strong preference for monarchy. When Pufendorf speaks about the holder of sovereignty he almost always refers to the monarch – a further indication that Hobbes is the main source of Pufendorf's theory.

For Pufendorf sovereignty means above all the unity of the state's political will (Denzer 1972: 180). This emphasis allows him to accept the common

16. This point is emphasised in Dreitzel 1991: 1, 132.

good of the people and the state as the bridle of sovereign power. But the limitation of power should not lead to the division of sovereignty. Bridling power does not mean reducing sovereignty. In this legal construction ‘bridles’ and ‘limits’ only refer to the ‘exercise’ of power. In its exercise the absolute and unitary power of the state is tied to certain rules. The magistrate has ‘negotiated and explicitly agreed’ with the people

that he will govern on the basis of certain fundamental laws, and that he will present the issues that have been exempted from his power, to the assembly of the entire people or of the grandees of the Empire. He will not act without their permission and if he does so, he will expect and accept that the subjects do not obey him in these cases.

(Pufendorf 1672, Book VII, ch. 6, para. 10)

The supreme power remains undividedly with the monarch as long as he can decide to convene the assembly, set its agenda and dissolve it and as long as ‘without the King’s consent no valid and legally binding decision’ can be taken (Denzer 1972: 164 f.). For Pufendorf limited authority refers to a fundamental law in which the monarch concedes to limit the exercise of his power in certain ways and in which he accepts institutions whose agreement he is bound to seek in certain cases. ‘Consulendum sit concilium universi populi seu eorum, qui illum in classes divisum repraesentant’: to be consulted is, as a contemporary translation puts it, ‘the assembly of the people or the orders [*Stände*] that represent it’ (Pufendorf 1964, Book I, ch. 7, para. 6).

Pufendorf identifies a number of institutional arrangements. The king can be tied to a ‘Senate’, an assembly of civil servants, or, as in England or Poland, to a parliament of independent representatives of the people. However, Pufendorf does not accept assemblies whose sole task it is to give counsel. He is also particularly keen to set such conditions that the division of the exercise of authority does not lead to a real division of sovereignty (Pufendorf 1672, Book II, ch. 7, para. 5; Book I, ch. 7, para. 6; see Dreitzel 1991: 1, 370). These conditions include the monarch’s rights to convene and dissolve the assembly, the right of veto, the exclusion of a constitutional right of resistance, and the proviso that in cases of necessity the king can decide on his own. In addition Pufendorf mentions several limits on the exercise of executive powers. The king is neither allowed to intervene in the administration of justice nor to change his own financial endowment, which will make it impossible for him to make war at will. In all of these cases Pufendorf connects his reflections on the limits of power with stern

warnings against the development towards either a division of sovereignty or an absolute monarchy (Denzer 1972: 184).

As the central feature of the state, sovereignty also determines Pufendorf's analysis of the forms of the state.¹⁷ Whilst Grotius had accepted both 'limited monarchy' and the 'monarchy with divided sovereignty' as legitimate (Dreitzel 1991: 1, 370), Pufendorf rejects the 'monstrous form' of the division of sovereignty as a *respublica irregularis*. He refers to Bodin and Hobbes as his predecessors in the rejection of the *respublica mixta* (Denzer 1972: 191). And he repeatedly explains why he rejects the *respublica mixta*, or, more specifically, the 'monarchy with divided sovereignty': it goes against the primacy of the indivisibility of sovereignty. In the *respublica mixta* each person with sovereign power has the right to use that power and to resort to violence, thus violating the vital principle of the unity of state power (Dreitzel 1991: 1, 87). The division of sovereignty becomes possible only after this principle has been set aside. But the unity and strength of the organisation of sovereign power is the moral foundation of Pufendorf's theory of the state. He sees it as a major stabilising factor.

In classifying constitutions as 'regular' and 'irregular' Pufendorf picks up an idea from Hobbes (Denzer 1972: 190 f.). In badly organised forms of state, in irregular states, 'not all action comes from one will and also from one soul and not all subjects are ruled by a common government' (Pufendorf 1964, Book VII, ch. 5, para. 2). The Old German Empire serves as the historical model of an irregular state, with sovereignty divided between Emperor, Electors, the Imperial Diet, territorial princes, etc.¹⁸ Pufendorf writes:

Those who talk about mixed forms of state cannot get away with it. Leaving apart the fact that a mixture of forms of state can only produce a monstrosity, the German Empire does not fit any mixed form of state. It is neither the case that few or many have undivided sovereignty over it, nor that the components of sovereignty have been divided amongst various persons or colleges.

(Pufendorf 1667, ch. 6. §8)

But the fact that classification on the basis of the rules of politics is impossible does not mean that we should withhold the qualification as 'state' from the Old Empire. To narrow down the concept of the state so radically would have put into doubt both the applicability of Pufendorf's

17. For a good synthesis of recent research see Behme 1995: 158 ff.

18. Pufendorf 1667, ch. 6, §8. For an overview of current research on this influential statement see Roeck 1984.

theory of the state to the political reality of his days and its claim to universal validity. The *respublica irregularis* marks a theoretical ‘defect’, but it is one with practical consequences. It reveals a liability to crises and, consequently, a partial failure in ensuring the objectives of the state. The constitution of the Old German Empire is a fine case in point. Pufendorf sees its ‘irregular condition’ as ‘the lasting cause of a mortal sickness for the empire and of all its internal troubles’ (*ibid.*, § 9). Thus the *respublica mixta* and the division of sovereign power exemplify in Pufendorf’s view the *respublica irregularis*. He sees them as the typical *faux pas* of Political Aristotelians. In fact Pufendorf argues that his own conception of the divisions of functions of the state is much more faithful to the intentions of Aristotle’s theory of the ‘mixed constitution’. In Pufendorf’s view Aristotle did not intend to parcel out sovereignty and those who favour a division of sovereign powers are wrong to claim Aristotle for their case.¹⁹

Instead Pufendorf resorts to Grotius’s concept of ‘limited monarchy’ (Grotius 1625, Book I, ch. 1, para. 2 (pp. 26 ff.)), that had meanwhile become paradigmatic, and puts it in the heart of his own theory. In Pufendorf’s analysis the *monarchia limitata* receives more attention than the absolute monarchy. Its nature is quite specific, not to say peculiar. The person of the monarch continues to embody the unity of sovereignty. However, when exercising sovereign powers the monarch is not only bound to certain laws, but also to the consent of the nobles (*proceres*) and the *representantes populi*, the representatives of the estates of the empire (see Dreitzel 1991: 1, 195). Pufendorf’s highly influential argument that supreme sovereignty is not ‘crippled’ in a limited monarchy is meticulously formulated:

All the acts of sovereignty can be exercised as well in such a monarchy as in an absolute one, save that in the latter the king follows his own judgment, at least in the ultimate decisions, while in the former there lies within a council a concomitant cognisance, as it were, on which the force of sovereignty depends, not entirely but as a *conditio qua non*. Nor are there two wills in such a state, for whatever the state desires it desires through the will of the king.

(Pufendorf 1672, Book VII, ch. 6, para. 10)

Pufendorf also uses the distinction between supreme power, *imperium summum*, and absolute or full power, *imperium absolutum (plenum)*. He puts the emphasis on the clause of the political contract arranging the transfer of

19. For the rejection of the mixed constitution and the reinterpretation of Aristotle see Pufendorf 1672, Book VII, ch. 4, para. 13 and Book VII, ch. 5, paras. 12–13.

sovereignty that obliges the monarch to exercise certain rights solely with the permission of an assembly of the people or its representatives, *concilium proceri vel populi* (Pufendorf 1672, Book I, ch. 7, para. 6). England, Poland and Sweden are Pufendorf's historical examples of the limited monarchy. His analysis of the *monarchia limitata* and its historical examples is marked by a profound mistrust of absolute sovereignty. Pufendorf was indeed advocating 'the modern sovereign state' against the 'irregularities' of the traditional political order of the empire. But at least in his theory of the state he was not favouring absolutism. He preferred constitutional monarchy.

Pufendorf's polemics against the *monarchia mixta* as a *respublica irregularis*, as a form of constitution that does not fulfil the requirement of the unity of sovereign power, is also aimed at the representative assemblies of the German territories, the *Landstände*. Pufendorf criticises the legal theory in which the *Landstände* feature as part of the administration, because this suggests that their rights are mere privileges which can be recalled at any moment. Pufendorf insists that the limits on the monarch should be validated by fundamental laws and hence should be part of the constitutional contract. On the basis of such a construction the privileges of the *Landstände*, as enshrined in the laws of the German Empire or its territories, could be incorporated into the conception of the unitary state with royal sovereignty.²⁰

Grotius had first proposed the conception of limited monarchy, J. F. Horn had systematised it – as a direct answer to Hobbes (*ibid.*: 94 ff.; see also De Wall 1992) – but the long-lasting success of the *monarchia limitata* in German and continental political theory as an alternative to absolute monarchy is doubtless due to Pufendorf. His judgment that limited monarchy was preferable to both absolute monarchy and *monarchia mixta* had enduring influence. In the casuistry of political theory the *respublica mixta* continued to be analysed as an example of the irregular state, but owing to Pufendorf's powerful rejection the *respublica mixta* was temporarily excluded from more practical political debate. For subsequent generations of natural law theorists *respublica mixta* was the legacy of the Political Aristotelians; Pufendorf was the theorist of *monarchia limitata*. The followers of his theory in the eighteenth century included theorists such as Thomasius, Titius, Gundling, Cocceji, Stryk and Heineccius (see Gierke 1913: 456).

Not all was clear in Pufendorf's theory. His classification of the limits on the monarch created a confusion that lasted until the end of the eighteenth century. Pufendorf proposed that the monarch was tied to the fundamental

20. This is the argument of Dreitzel 1991: 1, 111 ff.

laws and argued that these laws could not be changed. In doing so Pufendorf created room for the interpretation that the traditional *monarchia regia* could be seen as a limited monarchy (see Dreitzel 1991: 1, 137).

IV

Owing to Pufendorf's influence the *respublica mixta* lost a great deal of its theoretical weight, but the concept quickly bounced back. Soon it was employed again as a useful description of a normal, regular type of constitution. The still powerful tradition of classical authors was full of it and the *respublica mixta* could be observed in action in many European states – above all of course in the Old German Empire. The renewed appreciation of the division of sovereign powers in the *respublica mixta* became apparent at the beginning of the eighteenth century, not just within the academic study of politics but also in the important political controversy around the turn of the century that juxtaposed absolutism and *Ständestaat*.²¹ In intellectual terms the revival of the *respublica mixta* was the result of the incorporation of the traditional, historical and pragmatic focus of the Aristotelians into the theory of natural law. As the example of Nicolaus Hieronymus Gundling shows, the renewed appreciation was ambivalent. Following Thomasius, Gundling rejects the mixed constitution as *respublica irregularis*, arguing that the division of sovereignty can lead only to disorder and chaos. At the same time he offers an elaborate analysis of England as a highly positive exception to the rule, albeit one that is based on historical fortune (Gundling 1734: 462 f.). Samuel Treuer, professor of ethics, politics and civil law, first at the university of Helmstedt and later at the university of Göttingen, exemplifies the growing sympathy for the *respublica mixta* (see Dreitzel 1989: 30 ff., 1992: 80 ff. and Wilhelm 1995: 42 ff.). Treuer is a typical representative of Protestant academic scholarship. He responds with learned political tracts to the events of his time. He turns against the absolutist interpretation of territorial sovereignty and against the excessive emphasis on the deductive theory of natural law theory. In 1719 Treuer publishes his polemical response to Freiherr Wilhelm von Schröder's *Disquisitio politica vom absoluten Fürstenrecht* ('Political Disquisition on the Absolute Right of Monarchy'). With unusual precision and radicality von Schröder had defended a vision of the unlimited power of the monarch that was rare in the Empire. Against von Schröder Treuer rehabilitated the *respublica mixta* in terms of mixed monarchy,

21. See especially Dreitzel 1989 and also Dreitzel 1992: 58 ff., 80 ff.

monarchia mixta.²² In doing so Treuer explicitly deviated from the prevailing natural law arguments of Pufendorf and his pupils.

Treuer's repudiation of von Schröder's main assumption that monarchical absolutism was based on a divine gift of sovereign power weaves together arguments from four levels, namely natural law, positive, imperial law, political prudence and history. First Treuer emphasises the natural equality of men as created by God. In terms of contemporary natural law Treuer argues that the power of the state is based not on an act of divine will but on an explicit or tacit contract between men, who are free by nature. The contract limits the legal extent of sovereign power and binds its exercise to certain conditions. At this point Treuer endorses the natural law principle that given man's liability to corruption each form of absolute and unlimited power will turn into the enemy of society. Treuer elaborates this argument with appeals to political prudence and historical experience. Experience shows that the rulers' lust for absolute power had been the real cause of all revolutions and civil wars, of the destruction of domestic peace and of the rise of resistance (see Dreitzel 1989: 36 f.; Wilhelm 1995: 45 ff.). In addition, as the example of Sweden has shown, the lust for unlimited power is the cause of the decline of manufacturing and prosperity. Finally, Treuer argues that strictly speaking unlimited power is impossible, because the sovereign lord is always at least morally tied to the laws of nature as established by God himself and to the ultimate purpose of the state, the *salus populi* (Dreitzel 1989: 95). If these are not respected, states will degenerate into despotic, 'tyrannical' or 'arbitrary commonwealths'.²³ Therefore all contracts limiting power should be observed without further ado, whatever their nature might be.

The emphasis on the artificiality of the state as a '*factum humanum*' enables Treuer to connect arguments from natural law with pragmatic, empirical and historical ones that are derived from the tradition of Political Aristotelianism (see Dreitzel 1989: 95). He recognises that the process of founding the constitution of the state will frequently be affected by the specific historical situation and different pragmatic considerations, which will result in a plurality of appropriate constitutional formations. Hence Treuer explicitly drops Pufendorf's category of *reipublicae irregulares*, the states which did not meet the moral requirement of the unity of sovereign power. In doing so Treuer aligned himself with the wider group of theorists who were trying to 'historicise' natural law.²⁴

22. See Dreitzel 1989, and Wilhelm 1995, who agree on this point.

23. As quoted in Wilhelm 1995: 46. 24. See the still very useful study by Hammerstein 1982.

It is hard to miss Treuer's propensity to anti-absolutism. He postulates that God and nature endow men with the right 'to enhance their security and prosperity' (Treuer 1719: 216; see also p. 204). In contrast to many of his contemporaries Treuer does not confine this right to the state of nature. He seems to imply that it constitutes an inalienable aspect of liberty. According to Treuer man does not yield his rights when he enters into the *status civilis*. As the people are free to elect their form of government and their supreme magistrates, they will normally subject themselves to only a limited form of authority, whose legitimation is solely based on the free act of election by the people. But even in a state with absolute sovereignty, the subjects retain the rights to which they are entitled by 'the fullness of law', such as the natural rights of self-preservation and property (*ibid.*: 19).

Treuer follows the prevalent opinion in his preference for limited monarchy and his rejections of the doctrines of double and popular sovereignty (see Dreitzel 1989: 37). In terms of civil law the rejection of double sovereignty means that whilst the monarch – the English king being a fine example – was untouchable and not subject to any court, his powers could be limited at will: 'The majesty and sovereignty of kings and princes remains holy and inviolable, even if he concedes certain conditions to the subjects. It remains the supreme power over the people, and does not recognise any superior but God' (Treuer 1719: 14 f.). Treuer favours a constitutional order that is balanced in its consideration of the monarch and the people:

When we consider the essence of civil society, in all its characteristics and parts, it seems to me that the foundation of its beauty consists in a perfect union and harmony of the rights of majesty and the liberties of the people with the ultimate goal of the common wealth or the *bien publique*, for which sake all republics have been formed.

(*Ibid.*: 130 f.)

It would be wrong to interpret Treuer's plea for limited monarchy as a defence of the privileges of the nobility. In his exposition of the balanced constitution of monarch and people, Treuer suggests that only England has managed to find the proper equilibrium. But Treuer does not develop this argument. His constitutional deliberations are not really based on John Locke or Algernon Sidney, although both of them are mentioned repeatedly.²⁵

Treuer's treatise from 1720, *Logomachias in iuris naturae doctrina*, is a highly poignant elaboration of Christian Thomasius's conception of natural law.

25. For the importance of the reception of Locke and Sidney – and for the limits to that reception – see Wilhelm 1995: 42 ff.

The treatise contains a powerful polemic against the prevalent tendency to distinguish between *monarchia mixta* and *monarchia temperata* (see Dreitzel 1992: 96 f.). At the same time Treuer excludes the division of sovereign power in the strict sense of the word, rejecting it as an unstable form of state. The analysis of limited monarchies shows no fixed preference for the limitation of specific sovereign powers, nor does it contain a principled preference for specific forms of popular representation. At the end of the day Treuer's constitutional model is an elaboration of old European, ancient forms of political participation into a specific 'mixed constitution', which is defended against the novelties of English treatises, where a new constitutional model is created within the framework of the mixed constitution.

In the context of the Old German Empire, regarded by most civil lawyers as a *monarchia mixta*, Treuer's equation of the constructions of 'limited' and 'mixed monarchy' was particularly convincing. The right to wage war of the majority of German territories, of the principalities and imperial cities was the most important element of the Empire's division of sovereign power. At the end of the seventeenth century theorists increasingly used the concept of the *systema civitatum* and the *civitas composita* to elucidate this aspect of the Empire's constitution (see Dreitzel 1989: 36 f.). In terms of civil law the result of this equation was that it was no longer necessary to demarcate the authority of the principalities and the imperial cities along the narrow lines of the traditional model of *monarchia limitata*. Politically this was a potentially explosive change, because the principalities themselves could be classified as 'limited monarchies'. But because of the influence of Pufendorf the majority of the theorists insists on maintaining this distinction.

There is ample room in Treuer's work for the study of the historical and geographical spread of the *respublica mixta* (see Dreitzel 1991: I, 18 f.). Its panoramic overview of constitutional history leads to an interpretation that sees the *respublica mixta* with a strong monarchical element as the constitutional normality, not just in the territorial states of the Old German Empire but throughout Europe since the wave of migrations that marked the end of antiquity. Treuer's examples of states with limited sovereignty include England, Spain, Poland, Sweden, Denmark, the Old German Empire and its territorial states. All of these states followed the model of the old Germanic mixed constitution. But according to Treuer, only England has managed to retain its original form and hence its liberty (Treuer 1719: 14 f.). Treuer has many laudable things to say about the English model. The contemporary form of absolute monarchy appears to him as an incidental, temporary danger in European history, as a backlash into barbarism, caused by the arms race

that Louis XIV's wars had triggered off. Treuer sees lack of civilisation and enlightenment, economic misery and military feebleness as the causes of absolute monarchy (*ibid.*: 16 f.; see also pp. 23 f. and 44 f.). With this verdict and the alternative conception of mixed constitution Treuer offers a powerful reply to the monarchical tendencies of the first phase of the German study of *ius publicum universale*, as exemplified by the work of Pufendorf and Thomasius.

V

As noted above the initial reception of the substantial theoretical innovations of Spinoza's radical republicanism was limited.²⁶ Its revolutionary nature challenged Europe's censors and for most contemporaries Spinoza remained a closed book. In the Dutch Republic the prevailing tendency in political theory was to focus on the relationship between the States, the States-General and the Stadholder, who was exercising monarchical rights without being a monarch in the strict sense of the word. The topos of the *respublica mixta* continued to dominate the eclectic *philosophia novantiqua*, even though it incorporated modern natural law theory (see Kossmann 1960). In the political crisis of 1672 the position of the Stadholder was restored. Reintroducing the 'monarchical element' meant a return to the mixed constitution that had prevailed since the period of the Revolt. The return had immediate ramifications for Dutch political theory.²⁷ In agreement with political events the main position became one which oscillated in the centre of the political spectrum, propounding along traditional Aristotelian lines of classification a *respublica mixta* without a monarch in the strict constitutional sense of the term but with a Stadholder who claimed and exercised sovereign powers. The inclusion of the monarchical element into the discourse of academic political theory at the end of the seventeenth century was therefore neither due to a disregard of political practice – after all the Stadholder was unanimously seen as the monarchical element – nor to the influence of wider European trends. The very origins of the Republic and the development of Dutch political culture entailed reorientation towards the monarchical element.²⁸

The work of Ulrich Huber (1636–94) stands out as the most important synthesis of a century of academic political discourse. *De jure civitatis*, first

26. For the first systematic attempt to study the reception of Spinoza's political thought see Cristofolini (ed.) 1995 and most recently the grand attempt of Israel 2001, *passim*.

27. This point is made in most recent research although there are differences in emphasis concerning the consequences for the development of political theory.

28. For a stimulating discussion see Mörke 1997.

published in 1672, became a successful textbook in both Dutch and German universities and it remained the foundation of many lecture series until deep into the eighteenth century.²⁹ Huber's theoretical foundations are quite traditional and he remains close to the Aristotelian tradition. But Huber has an eye open to the innovations of modern natural law. He incorporates – with some modifications – the main principles of Grotius's work and he also uses Pufendorf (see Kossmann 1960: 89 f.). Huber's main adversaries are Hobbes, who in Huber's judgment fails to distinguish between politics and law, and Spinoza. Huber's 'system of public law' is a highly interesting and influential theory of natural law, which succeeds in combining the concept of absolute sovereignty with constitutional ideas in such a sophisticated way 'that although of course originating from the medieval past, [they] obtain in his work modern significance' (Emery 1967: 29).

Huber's poignant description of the state of nature takes up elements from Hobbes's theory (Veen 1976: 160 ff.). The state of nature is depicted as a war of all against all and the foundation of the state is solely grounded on men's fear of each other (*mutui metu*). But Huber maintains against Hobbes that the moral rules of natural law also determine the state of nature. The state of nature is not without law and morality. Starting from these assumptions Huber explores the origins of the commonwealth, the foundation of civil authority and the nature of sovereignty, including its individual parts – *iura maiestatis maiora et minora* – and its limits. He also discusses the various forms of government.

Like so many of his contemporaries Huber insists that sovereignty is absolute and indivisible (see Kossmann 1960: 108 ff.). He also accepts the view, propounded by Pufendorf, that only those who wield supreme power, *summa potestas*, embody the will of the state. These are pivotal conditions for the successful protection of both the individual's life, liberty and property and the 'common good'. Whilst Huber recognises that some states are founded on force and coercion, he endorses the common view that the state is based on a contract that establishes its form. It is crucial for Huber that 'everyone under public rule [can safely] enjoy his life and goods, and is not [violated] in this right to a greater extent than is required by public order [,] without which individuals cannot subsist' (Blom 1995: 251). So whilst Huber assumes the original right of the people, he rejects the idea of the people's superiority, based on a notion of popular sovereignty, over those who have been invested with sovereign power. In a passionate debate on the issue of sovereignty

29. References are to the important third edition of 1694; the final editions appeared after 1752 in Frankfurt and Leipzig. For Huber see Kossmann 1960: 87 ff., Emery 1967 and Veen 1976.

Huber argues in 1689 ‘that it was transferred by the people once and for all, was absolute and indivisible, and could never be taken back’ (Veen 1985: 322).

The transfer of authority can be by way of a full *alienatio*, leaving no authority with the people whatsoever, but it is also possible to retain some of the people’s rights by legal agreement. In this way Huber is able to develop a more flexible and realistic interpretation of the transfer of authority. Depending on the historical and constitutional circumstances the government either receives the fullness of power or some form of limited authority. So even though Huber insists on the indivisibility of sovereignty, on the basis of the examples of England and the Old German Empire – but not the Dutch Republic – he does not exclude forms in which the authority of the sovereign is limited by law (see Kossmann 1960: 154). In this sense Huber tries to steer a middle course between popular sovereignty, which he thinks can lead only to chaos, and Hobbes’s concept of sovereignty, which leads to slavery (*ibid.*: 108). An important aspect of Huber’s third way was his refusal to accept the distinction which some German natural law theorists made between personal and real sovereignty. Huber’s work had a strong impact on German natural law theory. Many learnt from Huber – as they did from Pufendorf – that on the occasion of the monarch’s coronation and installation it was possible to impose conditions concerning the exercise of the *summa potestas* which made him dependent on the consensus of the people, i.e. of the *multitudo*, of the estates. Huber became the founding father of the *ius publicum universale* as a distinct discipline and his work remained influential until the final decades of the eighteenth century.³⁰

In fact Huber couldn’t really imagine a European state where sovereignty would not be constitutionally limited. The full preservation of the people’s quality as *universitas* makes the limitation of sovereign power imperative. In addition the constitutional laws, more precisely the *leges fundamentales ars constitutiones*, restrict sovereign power, not just when there is a contract but also when sovereign rule is already well established.³¹ These constitutional laws also included legitimate customs, though not privileges granted by the mercy of the monarch. Most importantly fundamental laws included important liberties, including property rights and freedom of opinion.

In Huber’s view it was possible that a variety of persons and institutions held sovereign power *communicative non separatim* and he considered the colleges which exercised those sovereign powers to be fully part of the

30. For the historical context see Stollberg-Rillinger 1999: 116.

31. Huber 1694: 37 ff.: ‘etiam stabilito imperio’.

commonwealth, *partes civitatis integrantes, non ministrantes*.³² Hence in principle the people remains a political subject and an important factor of political life. Whilst wielding its powers the government should be led by the interests and rights of those who are the origins of sovereignty. However, Huber did not really address the question of how these rights should be preserved in the political practice of the Dutch Republic.³³

The institution of the Stadholderate – not to mention specific Stadholders – did not explicitly enter into Huber’s theory, but there are strong suggestions that the Stadtholder has the important function of maintaining the ‘common good’ in the populist sense of the word (Emery 1967: 29). As Huber saw it, the fundamental change of the Dutch Republic was not from absolute monarchy to constitutional aristocracy but from a constitutional monarchy to an absolute aristocracy that knew of no constitutional limits. In an impassioned and convincing way Huber developed the pioneering argument that the oligarchic system of the Dutch Republic was neither constitutional nor truly free – and this observation certainly did not imply any approval (*ibid.*). With some hesitation and in spite of his sceptical attitude towards the *respublica mixta*, Huber ends up favouring one which is strongly aristocratic, mainly because unlike monarchy the aristocratic *respublica mixta* is much less prone to degenerate into tyranny (*ibid.*). In Huber’s view aristocratic government is based on the original sovereignty of the people as a political association, in whose interests the *optimates*, i.e. the Dutch regents, wield sovereign power. Huber adds that obviously the aristocracy should not isolate itself by making it legally impossible ‘for somebody from the people to enter into the circle of *optimates*’ (Huber 1694: 318 ff.). In an open aristocratic mixed republic the feeling would grow in the people ‘that they govern themselves and that what is being done by the leaders of the State are the actions of the people’ (*ibid.*). So Huber sees the aristocratic mixed republic as the best form of the state because of its broad social foundation. His theory of aristocratic and constitutional liberties had a decisive impact on both Dutch and German academic political theory. But his theory had a major gap, reflecting the fundamental insecurity of Dutch constitutional reality. Huber – and many others – emphasised that the people remained a distinct political subject, but the question who should mediate between the sovereignty of the States and the people as a political subject was left unanswered. One of Huber’s contemporaries, Willem van der Muelen, whose work is strongly and systematically related to Huber’s, pointed with great sympathy to the

32. *Ibid.*: 252 ff.; on this issue see Link 1979: 45 ff. 33. As observed by Kossmann 1960: 110.

position of the Stadholder. He was not the only academic theorist who made this move around 1700 (see Blom 1995: 241 ff. and Emery 1967).

VI

In the versions of Grotius and Pufendorf, modern natural law started to permeate Dutch and German political thought in the final quarter of the seventeenth century, mainly because its social and constitutional programme provided the answer to the loss in plausibility of Political Aristotelianism. Of course the principles and methods of natural law theory were controversial from the very beginning, but the triumph of natural law had major ramifications for Dutch and German political thought. From now on the issues concerning the legitimation of the state and the constitution were being addressed with the categories and concepts of the law. The theoretical emphasis on the category of indivisible, absolute sovereignty led to the rejection of the various interpretations of the concept of *respublica mixta* as a political system entailing many possibilities for limiting authority. *Au fond* this rejection was based on the argument that in the long term the institutional constructions of the mixed republic cannot safeguard political stability.

It is possible to identify three ways of limiting sovereignty in the Dutch and German language of modern natural law. Spinoza's innovative political theory entailed a concept of sovereignty that demanded the undivided and unlimited unification of all power into one centre of decision-making. Unlike Hobbes, Spinoza maintains the implicit democratic logic for the sovereignty of the state and he proposes a model for the democratisation of the state. At the end of his life Spinoza considered democracy to be the most stable form of government and political authority. Pufendorf is also inclined to endorse the concept of indivisible sovereignty. He nonetheless recognises the possibilities of a divided exercise of sovereign power and lays the foundation for the theory of monarchy as limited by pacts and laws, which he juxtaposes against the theory of absolute monarchy. Finally there is the attempt, exemplified in their very own ways by Gottlieb Samuel Treuer and Ulrich Huber, to unify the concepts of sovereignty and mixed constitution. The crux of this attempt lies in the distinctions between the location of sovereignty and its exercise and between real and personal sovereignty. As a result the limitation of sovereign power is accepted not just on the basis of natural law. By referring to the duty to respect the fundamental laws of the country further limits are imposed, culminating in the idea of a collective responsibility of monarch and estates for legislation, jurisdiction and other exercises of sovereign power.

The integration of the historical and pragmatic traditions of Political Aristotelianism into the argumentative and hermeneutic horizons of natural law leads to the rehabilitation of the concept of *respublica mixta*. Whilst in Germany this is mainly the work of university professors, Dutch academics theorise in the midst of intensive political debates on the ferries and in the taverns of the Republic.³⁴

Translated from the German by Martin van Gelderen

34. For Germany see Wilhelm 1995: 21 ff. and for the Dutch Republic Van de Klashorst 1986.

Classical Foundational Myths of European Republicanism: The Jewish Commonwealth

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In 1985, in a famous essay on Dutch republicanism, Kossmann pointed out one of the most puzzling shortcomings of Pocock's history of republicanism: he showed that the Machiavellian paradigm and the Atlantic tradition are 'not easily applicable in the only major republic which was formed and which survived in early modern Europe', i.e. the Dutch Republic. Kossmann – the doyen of Dutch studies in the history of political thought – expressed his perplexities in a very polite manner, recognising the quality of Pocock's 'exceptionally stimulating and enlightening' work, though making a very pointed attack:

However, I wonder whether his decision to jump from the Italian city-states to late-seventeenth-century England and from there to America without taking account of the Dutch Republic has not led to too rigid a simplification of a historical development which was perhaps considerably more complex.

(Kossmann 1985: 484)

Notwithstanding this promising start, Kossmann draws disappointing conclusions, stating that the theoretical explanation and justification of Dutch republicanism was in fact firmly based on conceptions developed outside the Netherlands and deeply influenced by foreign intellectual innovation.

Thus Kossmann points out the difficulty of 'interpret[ing] the history of Dutch republican theory as a continuing tradition of its own', since 'it did not draw inspirations from its own intellectual past' and 'used vocabularies

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developed abroad'; he therefore concludes by denying the existence of 'a peculiarly Dutch intellectual tradition which it would be correct to define as the Dutch paradigm' (*ibid.*: 485–6).

Kossmann's article states with great clarity and irony the alarming paradox of the 'Machiavellian moment' as a paradigm for European history: it applies to England, a country whose tradition and history are not republican on the whole, and does not apply to the Republic of the United Provinces. Kossmann's verdict, though disappointing, takes this paradox to its most extreme logical conclusions.

Moving away from the realm of paradigms and of 'rigid simplification' let us go back to confront the complexity of 'historical development': notwithstanding some earlier criticisms – by Kossmann himself, for example¹ – recent studies have provided overwhelming evidence that in the sixteenth and seventeenth centuries Calvinists in the Dutch Republic, like those of other countries at that time, did indeed consider themselves as the new Israel. However, as I will try to show, this myth and this identification, though undoubtedly favoured by Calvinism, did not remain a means for religious identification, but became a strong instrument of national identity, a true foundational myth of Dutch republicanism.

Groenhuis studied the Dutch Calvinist ministers, the *predikanten*, as a social group. He also studied the church's concept of a new Israel (Groenhuis 1977, 1981), arguing that this myth spread all over the country, and lasted for a long time. Another historian, Strenghtolt, argued that the parallel between ancient Jewish and Dutch history seemed undeniable to Dutch Calvinists in 1600 (Strenghtolt 1984: 237–8). And in his famous study, *The Embarrassment of Riches*, Simon Schama clearly indicated that, in order to 'create a fresh identity' and 'stigmatize the recent past as alien and unclean', Dutch culture had two analogies to hand as foundational myths (besides the narrative of their own heroic struggle against the Spanish): the Batavian – mainly based on Tacitus's story of the revolt against the Romans – and the Israelite, referring to Holy Scripture (Schama 1987: 67–8).

Schama and Groenhuis also pointed out the many different ways in which this myth was present in Dutch popular imagination, referring not only to the great paintings of the Golden Age – such as masterpieces by Rembrandt and Bol, to mention but two names – but also to prints, coins and plays, which stressed the analogy between the victorious Dutch Revolt against Spain

1. In 1963 Kossmann declared that 'for the seventeenth-century Calvinists their own country never did represent the new Israel, a nation elected by God' (Kossmann 1963: 12).

and the liberation of the Jewish people from Egypt. Already on the occasion of William of Orange's entry into Brussels in 1577 *tableaux vivants* depicted scenes such as 'Moses delivering the Jews' and 'David with the head of Goliath' (Geurts 1956: 289). In dramas William of Orange and later his son Maurice were called 'David driven away by Saul's pride, our Moses'. In the theatre of the Dutch Golden Age the enemy was often called 'the Spanish Sennacherib' (an allusion to the Assyrian king of the seventh century BC who destroyed many Judaeen cities and besieged Jerusalem) or 'offspring of Jezebel, offspring of Cain'. Authors of the Golden Age described the duke of Alba, sent by Philip II in 1568 to establish order in the rebellious Dutch provinces, and the king of Spain himself as Pharaoh, Goliath and Saul. The Spaniards were 'Pharaonic'; indeed in Dutch they were called *pharaomisten*.² In 1612, three years after the truce with Spain, one of the outstanding literary figures of the Golden Age, Joost van den Vondel, published an epic work entitled *Het Passcha* (The Passover) which ended with an explicit comparison between the deliverance of the children of Israel and the liberation of the United Provinces, and between Philip II and Pharaoh (Van den Vondel 1612; Schama 1987: 108). In 1620, in the Preface to his tragedy *Hierusalem verwoest* (Jerusalem Destroyed), the same Van den Vondel warned the reader that the evidence existed here, in the Low Countries, already united for several years, that, with the Highest God's help, many dangers could happily be overcome (Van den Vondel 1620: 2). Another patriotic work, the collection of commemorative hymns *Neder-landtsche gedenck-clanck* (1626), by Adriaan Valerius, ended with a prayer in which the analogy with Israel was particularly stressed, and seen as the basis of the alliance between God and the Dutch people (Schama 1987: 100–2). The crossing of the Red Sea was another great theme, also used by many painters as an allusion to the Revolt (*ibid.*; cf. Groenhuis 1981). Still in 1652 a traveller who was totally unsympathetic to the Low Countries, Owen Felltham, refers to this aspect of the myth: 'They are the Israelites, passing through the Red Sea. The waters wall them in and if they set open their sluices shall drown up their enemies' (Felltham 1652).

So stories, language and metaphors from the Bible were strongly and pervasively present in sixteenth- and seventeenth-century Netherlands: though diffused to a great extent by *predikanten*, the biblical metaphors and analogies were not, however, restricted to Calvinist sermons. 'Given that all these features of the Zion metaphor were present throughout Calvinist Europe',

2. Leendertz (ed.) 1924: I, 162, 177, 226, 296, 318; II, 1, 5, 73, 79, 153, 320; quoted in Groenhuis 1981: 119–20.

that the Israelite analogy was ‘the common idiom of all Calvinist and Puritan cultures’ of the time, and that ‘Abrahams, Isaacs and Jacobs could be found in Rouen, Dundee, Norwich and Basel, as well as Leiden and Zierikzee’, Schama asks himself whether the type of scriptural idiom developed in the Netherlands (always concerned with the regulation of social manners) contributed to a distinct sense of separate identity in the formative period of the Dutch Republic’s history (1580–1660) (Schama 1987: 94–6). His answer is convincing and well-documented: ‘In the Dutch Republic, the Hebraic self-image functioned much more successfully as a unifying bond than as a divisive dogma’ (contrary to what happened in England, where it ‘remained confined to the cultural style’ of the Puritans, who were defeated). It was not restricted to Calvinist *predikanten* like Borstius and Wittewrongel. It dated back to Antwerp humanist circles of the sixteenth century and it involved libertarian humanists like Dirck Volckertsz Coornhert, who wrote the *Comedie van Israel* (1575), authors like P. C. Hooft, who were thought to be affiliated with Arminianism and also Joost van den Vondel, whose background was Catholic and Mennonite. The Hebraic self-image was a unifying element in Dutch culture; it was a true foundational myth for all the republic (Schama 1987: 97–9; cf. Van Gelderen 1992).

Thus Dutch historians like Everhard van Reyd, who compared the leadership of William of Orange and his four brothers with that of the biblical five Maccabean brothers and Johan van den Sande, who continued van Reyd’s work, elaborated on the similarity between the Dutch and the Jewish states, and still in 1675 in his *’t Verwerd Europa* (Europe in Confusion), Petrus Valkenier compared the French king Louis XIV to king Nebuchadnezzar, and the United Provinces to Jerusalem (Groenhuis 1977: 121). The celebrated nineteenth-century Dutch historian Busken Huet could by rights talk of a ‘Hebrew patina that covered Dutch society in those days’ (Huet 1882: II, 24).

Schama has elaborated on the relationship and analogies between the Batavian and the Israelite foundational myths, which cohabited in the minds of the children of the Netherlands, the ‘Nederkinderen’: ‘in many minds, both learned and vulgar . . . these heroic exempla overlapped and mingled, just as on the walls of the “eighth wonder of the world”, the new Amsterdam town hall’ (Schoeffer 1975: 87). Thus Schama considers it ‘a mistake to align the different elements comprising the national personality with particular religious dominations or social categories, especially a simple classification of Calvinist-scriptural-common people against humanist-Batavian-patrician’ (Schama 1987: 68, 122–3). But Schama’s work is not wholly

convincing on this point.³ In my opinion, the shortcoming is mainly due to his approach. Schama, though reminding us of the importance of the Antwerp humanists, has mainly concerned himself – as have most historians so far – with the ‘reception’ rather than with the ‘elaboration’ of the Israelite analogy. Whereas some studies have been devoted to the elaboration of the Batavian myth in ideological works such as Grotius’s *Liber de antiquitate reipublicae batavae* (1610) and Petrus Scriverius’s *Beschrjvinge van Out Batavien* – which, with reference to the works of Tacitus, presented the classical Batavians as the virtuous, republican and freedom-loving ancestors of the Hollanders – the study of the Israelite analogy has so far focused mainly on its popularisation – as in the analysis of popular literature, prints, paintings and, in the main, of the sermons of the *predikanten*. Thus Groenhuis has stated that the idea of Holland as a new Israel, as a basis of a political theory which took shape at the same time, originated in the pamphlets and songs of the ‘Beggars’, the small groups of Dutch rebels of the late 1560s, who at sea and on land attacked the Spanish troops wherever they could (Groenhuis 1981: 119).

And yet in 1651, opening a great assembly of the provincial states, the secretary to the States of Holland, Grand Pensionary Jacob Cats, who was also an eminent poet and hence both a cultural and political figurehead, addressed his audience with the words ‘You, children of Israel’ (*Kinderen de Israels*) and drew the attention of the delegates to the similarity between the Jewish Commonwealth and the Republic of the United Netherlands, referring not to popular religion but to a tradition of *the most learned writers*: ‘And that republic (the Jewish commonwealth) was for various reasons . . . judged by *the most learned writers* to correspond wholly to this state; the form of the same is also imitated by the wisest nations of former times and of today as it was in bygone days by the Romans, the Athenians and the Spartans and in our time by the Venetians, the Swiss, the Genoese, and others.’⁴ Haitsma Mulier, in his well-known work on the influence of the myth of Venice on Dutch republican thought, pointed out that Cats was addressing ‘a great assembly of all the members of the provincial states which had been called together to consider important governmental reforms’, and concluded that ‘Cats’s superficial counsel which was little more than a commonplace was not heeded’ (Haitsma Mulier 1980: 121).

3. Schama 1987: 68: ‘It is true that the scriptural idiom came most easily to the lips of preachers, while Tacitus’ history of the Batavian rebellion against Rome was cherished by humanist scholars and gentlemen.’

4. Van Aitzema 1652: 187, adapted from Haitsma Mulier 1980: 121; emphasis added.

Could we therefore conclude that the Hebraic foundational myth of the Dutch Republic was consciously evoked to give the idea of a republican re-foundation of the Dutch state in a difficult moment of crisis? This would also provide further evidence for the ‘civic’ character of the Israelite analogy, and indicate that in the Netherlands the appeal to the Hebraic republic as a political model has never been the exclusively religious preserve of the Calvinist Church. Cats’s ‘laic’ appeal to a learned tradition of true republicanism was in fact used as a weapon against the Orthodox Calvinist Church, which favoured a more prominent, perhaps even monarchical role for the Stadholder. If reference to the Hebraic model was indeed ‘commonplace’ in these Dutch political debates, it is important to look for the sources that were used in these debates. Who were then these ‘most learned writers’ and their works, which at that time constituted an already established tradition, and which evidently were well known to Cats and his audience?

In 1984 the journal *Grotiana* published an appeal to start a ‘worthwhile’ enterprise, i.e. ‘to subject the Hebrew model to similar study’ to that carried out by ‘Haitsma Mulier on the impact of the “Venetian Myth” on Dutch publicists’.⁵ If we move from the level of ‘reception’ to the level of ‘elaboration’ of the Hebraic myth, we will find that these ‘most learned writers’ belonged to the same élite as that which was also engaged in creating and spreading the ‘Batavian myth’. This is all the more evident in the policy adopted for the decoration of public buildings. The subjects of artists’ commissions were equally Israelite and Batavian; their paintings exercised an even stronger influence on people – especially after the iconoclastic fury of the Reformation had swept away sacred painting – and their visual effect was enhanced by the bleakness of the new Protestant churches. The celebrated decoration of Amsterdam’s town hall with paintings of the Hebraic prophet and legislator Moses and of the Batavian hero Claudius Civilis are the most famous and often-quoted examples of this policy, but they are not the only ones. In 1622 a ‘Judgment of Solomon’ was the subject of a commission to Pieter van Bronckhorst for Delft’s town hall; similar allegorical themes decorated the town halls of Haarlem, Weesp, ’s-Hertogenbosch, Nijmegen, Enkhuizen and Maastricht, the municipalities’ lazarettos and the hospital in Utrecht (Huiskamp 1991).

But whereas art historians have carefully extracted the prototypes of late-seventeenth-century biblical iconography from the early editions of Bibles, from ‘Treasures’ (Van der Coelen 1991), and from the works of Flavius

5. Eyffinger 1984: 45–6. See now the essays by F. LaPlanche, C. R. Ligota and P. F. Moreau, in *Groupe des Recherches Spinozistes* 1992.

Josephus, no historian of political thought has so far taken care to analyse the content of the texts of these editions. And yet, the different translations of the Bible had a revolutionary impact, particularly on Protestant countries, as Hill has shown with respect to the Geneva Bible and the use of the Bible in the debates of the English Revolution (Hill 1993). That the translation of the Bible was not at that time only a religious or literary question is testified in England by James I's *Authorised Version* (1611) and, most potently, in the Netherlands, by the very name of the *Statenbijbel* (Leiden, 1625–37) – the translation of the Bible commissioned by the States General of the Dutch Republic from the most distinguished Hebraists of the country. The Bible – or, better, proper editions and translations of the Bible – was the great medium for the popular diffusion of the Hebraic model, whereas an enormous quantity of learned commentaries on the Old Testament, *ad loca difficiliora Veteri Testamenti* – such as those by Johannes Drusius – functioned as a bridge between scholarly elaboration and the great public. This elaboration of the Hebrew model was the work of members of the learned circles of humanists and Hebraists and took place in the great academies and universities, where it was consciously carried out as a powerful republican tool. A great number of scholarly tracts on the excellence of the *respublica Hebraeorum* was produced and circulated in the Netherlands from mid-sixteenth to the end of the seventeenth centuries. The very existence of these tracts is the best evidence that the Hebrew model concerned not only the popular classes, but involved also the same learned circles which were at that time busy providing political models – such as the Batavian, or the Venetian – to the newly born Republic of the United Provinces.

Vittorio Conti's *Consociatio Civitatum* – which is the first attempt at an organic analysis of Dutch republican thought in the mid-seventeenth century – shows the great wealth of themes which constituted the intellectual background to Dutch republicanism, as expounded in the famous 'Petites Républiques' series. Thanks to the Elzeviers' prodigious ability, the 'Petites Républiques' series, the first pocket-sized books in history, invaded Europe, thus disseminating not only Dutch political thought but also the self-image of the United Provinces. In his analysis Conti has shown that the contributors to the Elzeviers' series were mainly interested in the working of political institutions, i.e. in the *institutionalisation of virtue*: they presented classical models, preferring ancient Greece to Rome and Sparta to Athens. But they also paid much attention to the Achaic and the Etolian leagues, and offered their views on what was then called the *respublica Hebraeorum*. As far as contemporary political models were concerned, they proposed Venice, Switzerland

and Poland as solutions for Dutch constitutional issues. On the whole the authors of the ‘Petites Républiques’ favoured federal models and chose their references very carefully. Tacitus, for example, was cited only when necessary, while Polybius was quoted unstintingly. These choices responded to a well-designed cultural project, as stated by the Venetian Domenico Molino in a letter to one of Europe’s leading humanists Isaac Casaubon in 1619, in which he encourages the latter to prepare ‘adequate political commentaries’ to set up against those of Justus Lipsius, ‘cavati da Tacito, e da altri autori che hanno scritto li fatti de Principi soli’ (‘extracted from Tacitus, and from other authors who have written only about the deeds of princes’).⁶ Important evidence shows how the Dutch élite made a highly self-conscious use of these analogies, thus directing myths towards well-defined goals. This appears to be the case in 1651 also, as shown by Cats’s strongly evocative metaphor, mentioned above.

Though the most significant of the works on the *respublica Hebraeorum* appeared in the Elzeviers’ above-mentioned series, scholarly production is not restricted to the ‘Petites Républiques’. There was an explosion in the production of other works referring to the history of the ancient state of Israel as a political model in western thought: they date back to Flavius Josephus and to the Hellenistic world, are developed in Patristic works and in medieval thought, and proliferate in the later generations of humanists, who, after classical Latin and Greek, discovered Hebrew. The Jewish state presented itself as a sacred model, a *respublica* of God’s people, expounded in God’s language: a state which had its roots in God himself.

I have recently tried to sketch a brief history of this political model in early modern European humanism, from the Italians Savonarola, Pagninus, Tremellius and Carolus Sigonius up to the north European Reformed scholars, such as the Genevan Bonaventure Bertram and his *De politia Judaica* (1574): these works refer to each other and constitute together an autonomous tradition in Republican thought which has so far been completely neglected (Campos Boralevi 1996; cf. 1997). This tradition developed and dramatically increased both in quantity and in quality in the Netherlands from the mid-sixteenth to the mid-seventeenth century. It is to this tradition that the ‘most learned writers’ to whom Cats referred belong.

The *Biblia magna*, in its 1525 edition, provided its readers with the *Concordantiae* to Flavius Josephus’s *Antiquitates Judaicae*. The latter, and the *De bello*

6. D. Molino, letter to Casaubon, 1619; cf. D. Molino, letter to Jan van Meurs, 1622, where he encourages him to write about Thucydides (both letters quoted in Conti 1977: 38–9 and in Bouwsma 1968).

Judaico, went through dozens of editions, in the Netherlands as well as in the rest of Europe, since Flavius Josephus presented the history of the Jewish Commonwealth attractively in the language of classical political philosophy. Flavius's influence on Dutch republican thought has not yet been fully ascertained. Research carried out on individual writers has shown for example his indisputable influence on Joost van den Vondel's biblical plays, such as *Joseph in Egypten* (1640), *Salomon* (1648), *Jephtha* (1659), *Koning David hersteld* (The Rehabilitation of King David) (1660), *Adam in Ballingschap* (Adam in Exile) (1664), and *Noah* (1667) (Bunte 1984). It is perhaps less well known that Flavius Josephus also exerted a decisive influence on Grotius, who wrote biblical dramas such as *Adamus Exul* (Adam in Exile) (1601) and *Joseph in Egypten* (Besselink 1988).

With the development of Hebraism in northern humanism, studies in biblical topics such as archaeology and geography flourished in Antwerp. Erasmus, though the best known scholar of all, was merely one of the humanists interested in the philological, archaeological and geographical problems of the biblical texts. In 1569–72 the Plantin press published a monument of biblical scholarship, the magnificent *Biblia regia* ('regia' since it was published under the patronage of Philip II), better known as the 'Polyglot Bible', produced by the most distinguished Orientalists of the day, with the decisive contribution of the 'Hebraic skills' of Plantin's son-in-law, Franciscus Raphelengius. It was meant to be the Catholic answer to the growing reputation of Protestant biblical studies. Its eight imposing volumes contained the Hebrew text, the Septuaginta Greek translation, and the Latin, Chaldaic and Syriac, all laid out in parallel columns. Furthermore it provided an *apparatus criticus* which included Hebraic grammars and a treatise on biblical archaeology, under the superintendence of the controversial figure of Benito Arias Montano – an eminent Spanish cleric who had been sent to Antwerp to assure the orthodoxy of the Plantinian enterprise and was later charged with 'judaising' and consequently prosecuted. Montano published many works on biblical archaeology and a treatise, *De varia republica, sive commentaria in librum Judicum* (Antwerp, 1592), in which he demonstrated the federal nature of the Jewish Commonwealth. In 1575, already in Antwerp, he had dedicated his *David* to 'Philippo Catholico Hispaniarum et Regi Optimo et Piissimo' which illustrated, in forty-eight outstanding engraved plates by Philip Galle, David's superiority over all other kings of antiquity. The plates referred to biblical episodes of David's life, presented as *exempla* of classical virtues, such as 'temperantia, clementia, perseverantia, prudentia', etc. (Montano (ed.) 1575). Montano's work indicates that the kind of 'syncretism'

which mingled and overlapped heroic exempla of Roman and biblical morality was already at work in the Netherlands well before its culmination in the decorations of the famous new Amsterdam town hall. Most of Montano's works were reprinted in Leiden when the Plantin press moved there, as did Plantin's son-in-law Franciscus Raphelengius, who taught Hebrew at the university of Leiden and supervised some of the most outstanding typographic Hebraic masterworks which were to be published in 'Lugduni Batavorum' (as Leiden was re-named, thus spreading the Batavian myth all over Europe).

The new-born confederated provinces of the Netherlands were badly in need of constitutional models. The Exodus paradigm, whose revolutionary influence has been stressed by Walzer (1985) – though not with reference to the Netherlands – was perfectly functional in its legitimation of the revolt against Spain, but did not have much to say about the content and priorities of the new constitutional problems. It spoke of the liberation from Egyptian slavery and of the Covenant, but stopped before the constitution of Israel as a state. Thus the use of the Exodus paradigm was more and more supplemented and sometimes substituted by an attentive study of ancient Israel's political institutions. This was true of the rest of Europe too, after the massacre of the Huguenots on St Bartholomew's Night in 1572, in order to tone down the rebellious overtones of armed Huguenot resistance against the French monarchy. In 1593 the prominent French theologian and one of the founding fathers of Protestant Irenicism Franciscus Junius (François du Jon), who had co-edited with Tremellius a famous translation of the Bible – and himself translated the Apocrypha of the Old Testament – published in Leiden a work entitled *De politiae Mosis observatione*, which was reprinted in 1602. Junius became Professor of Theology at Leiden University, and taught Grotius some Hebrew.

In Germany, the important political theorist Johannes Althusius presented the Jewish Commonwealth as the ideal model of a state from the very beginning of his main work, the *Politica methodice digesta atque exemplis sacris et profanis illustrata* (1603)⁷. In the *Praefatio* to the third edition (1614) Althusius writes: 'Sacrarum literarum exemplis frequentius utor, quod illa vel Deum autorem, vel pios viros habent, et quod nullam ab initio mundi politiam sapientius et perfectius Judaeorum politia constitutam existimem' ('I have used examples from the Holy Scriptures more frequently, since they were done

7. It seems to me that too little attention has been paid in recent research to the importance of the 'sacris exemplis'.

either by God or by pious men, and because I believe that no state has been established since the beginning of the world, which was more wisely and more perfectly organised than the Jewish state': Althusius 1932: 7). Althusius dedicated this *Praefatio* to the third edition to the West Frisian states, adding that, as far as contemporary political models were concerned, the best were the 'urbes, constitutiones, mores . . . confoederatarum . . . provinciarum Belgicarum' ('the cities, constitutions, customs . . . of the confederated provinces of the Netherlands': Mastellone 1986: 93).

Another example of the Europe-wide interest in the politics of ancient Israel was Carolus Sigonius's *De reipublica Hebraeorum* first published in Bologna in 1582, and then reprinted in 1585 in Frankfurt and in Hanau in 1608.

In the Netherlands the need for constitutional models became even more urgent after the truce of 1609, which seemed to herald a new era. With an explicit reference to the Old Testament the poet and preacher Jacob Revius expressed powerfully this feeling about the Twelve Years' Truce:

The Jews marched through the desert for forty years
 In trouble, danger and want of everything;
 But in the end and after that sad time
 Joshua led them into the promised land.
 The war forced us to march through the desert for forty years;
 Now the Truce opens up to us the promised land.

(J. Revius in Van der Heijden (ed.) 1967-72: VII, 148; quoted in Groenhuis 1977: 120)

To those very years belongs the *De reipublica emendanda* – a tract which had remained unpublished and unknown till 1964 (De Michelis, 1967). Scholars agree in attributing it to Grotius's authorship, as a juvenile work, supposedly related to his *Parallelon*. The author followed Bertram's *De politia Judaica* and Sigonius's work, stressing the federal nature of the *reipublica Hebraeorum* and its mixed constitution with a prevailing aristocratic element. With regard to these former works, the author of the *De reipublica emendanda* added two important issues: firstly he defined the Jewish Commonwealth as a theocracy, using the definition to be found in Flavius's *Contra Apionem*. Secondly, he did not only consider this Commonwealth as a political model, but compared it explicitly to the Republic of the United Provinces. Some shortcomings of this *Republic* could be corrected – *emended* – by looking to that ancient and sacred constitutional model. Grotius never published the *De reipublica emendanda*: from his correspondence one gets the impression that he somehow

left this job to his friend Cunaeus, who fully shared his Erastian ideas on the relationship between the church and the state⁸ and was much more skilled in Hebrew and Oriental languages. Petrus Cunaeus (1586–1638) was a member of the Dutch ‘patriciaat’: he soon became eminent in Leiden’s academic and civil life. In 1611 he was appointed to the chair of Latin in Leiden. He wrote, among other things, a highly praised neo-Latin Menippean satire, entitled *Sardi venales* (Leiden, 1610), which went through a significant number of editions, many of which contained also Lipsius’s *Somnium*, bound together. One edition comprised Lipsius’s *Somnium*, Cunaeus’s *Sardi venales* and nothing less than Seneca’s *Apocolocyntosis*.

In all books about political thought in the Netherlands we are always reminded that Lipsius taught at Leiden University from 1570 to 1591. Lipsius however never taught politics at Leiden. He was followed by Joseph Justus Scaliger (who was also rector), who, with a string of famous colleagues, friends and pupils including Daniel Heinsius, Grotius and Cunaeus, transformed Leiden into the most important centre of philology in Europe. In 1614 Cunaeus obtained, at Leiden University, the chair of politics, which had been created for Heinsius only two years earlier, and taught law as well. Since then, he *de facto* controlled academic appointments in politics and related fields (and not only in Leiden) till his death in 1638. He held four successive appointments as rector at the height of Leiden’s splendour. Though a pupil of Lipsius, Cunaeus was not a Tacitist nor a champion of *raison d’état*. He was an outspoken republican. In 1615 he obtained a copy of Maimonides’s *Mishneh Torah* from his friend Johann Borelius, Orientalist and diplomat from the province of Zeeland, and obtained a year’s academic leave in order to study rabbinic literature and law. In 1617 he published *De republica Hebraeorum* in three books, the first of which was mainly devoted to the Jewish Commonwealth’s political institutions, and the other two to religion, costumes, and civil and religious ceremonies, i.e. what was then called *ecclesia Judaica*. Cunaeus’s *De republica Hebraeorum*, which has recently been recognised as ‘The most powerful public statement of republican theory in the early years of the Dutch republic’ (Tuck 1993: 167, 169), went through a great number of editions (seven before 1700, but its popularity continued in the first half of the eighteenth century). It was translated into English, French and Dutch. It was Cunaeus’s *chef d’œuvre*, since it brought together

8. Grotius 1928–2001: 1, 39. Grotius expressed the Erastian idea that the state ought to control civil and religious matters, both in the *Decretum . . . pro pace ecclesiarum* (1614) and in his *De imperio summarum potestatum circa sacra*, begun between 1610 and 1620 but first published only in 1647, two years after his death.

in the most productive way all his different competences, i.e. his knowledge of Greek and Latin literary and political sources, his Latin eloquence and his competence in law and theology. Furthermore his knowledge of Hebrew and Oriental languages allowed him to use the original texts of rabbinical literature, including the Talmud and the work of Maimonides. Cunaeus's *De republica Hebraeorum* is the first political work which made extensive use of Maimonides's *Mishneh Torah*, thus introducing Maimonides's normative thought into western European political thought. Cunaeus thereby developed the interpretation of a theocratic and federal *respublica Hebraeorum* which became *the* model for all subsequent works on the subject. Federalism was its main constitutional peculiarity, together with the pre-eminence of civil over religious power, and the centrality of the *Sanhedrin* (interpreted as the Jewish Senate) as a counterbalance to the people who retained the *maiestas imperii*. For Cunaeus theocracy was not a constitutional arrangement, nor did it mean government by the priests, but 'God's government', i.e. based on the best (divine) laws, which provided for a collective ethos and assured social harmony – Flavius's *symphonia*: the most important of these were the agrarian laws, which provided for equality in the Hebraic model.

From the learned point of view, the comparison with the other great Dutch foundational myth was unequal: whereas the Batavian myth had few and rather succinct sources (mainly in Tacitus, and some in Pliny and Strabo) the Israelite myth had nothing less than the Bible as its source, not to mention Flavius's *Antiquitates Judaicae*, and Maimonides and all the rabbinic literature, etc. These sources were systematically studied, analysed and discussed by the scholars in the great academic centres of Hebrew studies with the most modern methods of philology: thanks to the universities of Leiden, Franeker and Amsterdam the Republic of the United Provinces became the world's leading centre of Hebrew studies in the seventeenth century, continuing and developing the tradition of Montano's and Cunaeus's pioneering studies with a flow of publications. The generation of Scaliger, Drusius and Cunaeus was followed by Hebraists who specialised in Maimonides and rabbinic literature, including famous scholars such as Gerardus Johannes Vossius and his prodigious son Dionysius, Constantijn l'Empereur, Borelius, Amama, Guglielmus Vorstius and Georg Gentius. Apart from their interest in other scholarly issues, all of them discussed the *respublica Hebraeorum*, its analogy with and its ethical and political relevance for the Dutch republic.

If by 'republicanism' we mean outspoken devotion to Machiavelli's *Discourses*, expressed in the language of English republicanism, then Kossmann

is right: there is no Dutch republican tradition, nor does republican thought exist in Netherlands in the first half of the seventeenth century. But if we follow his suggestion, and go back to the complexity of 'historical development' and to the different forms of republicanism in different European countries and to their different languages, the outcome would be entirely different. In this perspective, Dutch republicanism would be characterised by – among other equally important features – a pervasive presence of the political model of the Jewish Commonwealth and by its peculiar discourse, the 'scriptural idiom' – or, if you prefer, Busken Huets's 'Biblical tint'.

This hypothesis would, for example, account for the great success met by the anti-machiavellian *Vindiciae contra tyrannos* during the Dutch Revolt and then in the neo-constituted Republic. It is true that the *Vindiciae* refers heavily to Scripture and that, contrary to other anti-machiavellian literature, it does not present the common ideal of the Christian Prince, but rather that of the Davidic monarch (Mastellone 1972: 61). But still I would be rather doubtful about considering the *Vindiciae* as part of the *respublica Hebraeorum* tradition. And yet, when it was published in the Netherlands, in 'Amsterodami', in 1610, the *Vindiciae contra tyrannos* was presented with an imprint showing a burning column, surrounded by clouds and surmounted by the inscription 'Deo duce et vindice' ('Under God's rule and vengeance') above a crowned Tetragram.⁹

This perspective could also help us to reconsider the place of Spinoza in the history of republicanism. The denial in Dutch historiography of the existence of a Dutch tradition of republican thought, and the argument that republicanism was mainly imported into the Netherlands, makes Spinoza – leaving De la Court aside – come out of the void, and compels us to look only for foreign influences on the development of Dutch political thought, such as Hobbes and Harrington. On the other hand, if we compare Spinoza's with Harrington's works, we will decide, on the basis of the Machiavellian paradigm, with Pocock, in favour of Harrington¹⁰ – an even more puzzling paradox in the history of political philosophy. If on the contrary we consider the creation of a detailed republican model of the *respublica Hebraeorum* as one of the most peculiar contributions by Dutch republican learned writers,

9. For a fresh perspective on this as on other works by the Monarchomachs, see the essay by S. Testoni Binetti, who edited and translated the first Italian edition (Turin, 1994) of the *Vindiciae*, with reproductions of the frontispieces of the first editions. Cf. Van Gelderen 1986.

10. Pocock 1987b; cf. criticism of this work in Jonathan Scott's contribution to this volume (pp. 61–81).

Spinoza's *Tractatus theologico-politicus* becomes the conclusion (and the overturning) of a Dutch tradition which had started at least one century earlier.

I am certainly not in the position here to challenge the immense critical literature on Spinoza, and its recent developments which have produced highly interesting details of the economic, cultural and religious life of the Jewish community of Amsterdam (Méchoulan 1991; Kaplan 2000). But it seems to me that Spinoza's *Tractatus theologico-politicus*, written in Latin, is not addressed to the Jewish community (which he could have addressed in its own three languages, Portuguese, Hebrew and Dutch), but is aimed generally at Dutch academic circles belonging to the international *respublica literarum* and particularly at the Dutch politicians of his day. As I will show in detail in a forthcoming book, his addressees were Cats's 'most learned writers', i.e. the founders and the followers of the Dutch republican tradition of Hebrew studies, whose biblical exegesis and use of the political model of the *respublica Hebraeorum* he challenged and refuted.¹¹ I propose here one single quotation:

... when all the tribes had divided among themselves those territories (which they held by right of conquest and those which it was their mission yet to conquer, and all things were no longer held in common, thereby there ceased to be any reason for a common commander); for as a result of the allocation the different tribes must have been regarded as confederated states rather than as fellow-citizens. With respect to God and religion they must indeed have been regarded as fellow-citizens, but in respect of the right of one tribe as against another they were only members of a confederation, in much the same position (disregarding the common temple) as the High Confederated Estates of the Netherlands.

(Spinoza 1991: 259)

In common with all rebels who try to overthrow an established tradition, Spinoza followed the 'Dutch paradigm' even if he opposed it – and thus, paradoxically, dignified it. It was a paradigm that stressed the identification of the Republic of the United Provinces with the *respublica Hebraeorum*.

11. From this point of view Rosenthal's otherwise brilliant recent article (1997) simply misses the point of Spinoza's answer to this learned tradition.

Republican Politics in Early Modern Spain: The Castilian and Catalano-Aragonese Traditions

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In his *Relationi universali*, that wide-ranging panorama of nations, places and polities of the late sixteenth century, Giovanni Botero remarked how different were the régimes of Castile and Aragon. While in the former the king enjoyed a remarkable degree of authority, in Aragon he found himself strictly limited by provincial laws and privileges, so that people there ‘are living under one king . . . almost in liberty and in republic’ (Botero 1597–8, Part II, Proemio). According to Botero, such difference was the result, above all, of natural conditions: in plains like those of Castile or Andalusia, people tended to be rather peaceable and prone to accept their prince’s will, but high in the mountains and in rough countries men were more individualistic, bellicose and committed to freedom, as was the case of Aragon, Vizcaya and Scotland. But other, expressly political factors were very much at work as well. Ever since Castile and the so-called Crown of Aragon (that is, the kingdoms of Aragon proper and Valencia, and the Principality of Catalonia) had been united under a single crown in 1469, a steady flow of writers and observers, such as Francesco Guicciardini, the Venetian ambassador Leonardo Donà, or the French Huguenot writer François Hotman, among others, pointed to the contrast between the contractual character of the Aragonese régime and the increasingly authoritarian nature of the king’s rule in Castile (Gil 1996).

Botero again used ‘republic’ in a similarly loose sense when he said that London was governed ‘by the citizens, almost as a republic’. And when talking of Barcelona, he underlined how autonomous was the Catalan capital city (‘its citizens govern themselves through many privileges, with a certain kind of liberty, and they do not acknowledge the king but only very conditionally’), although he did not apply to it the word ‘republic’ (Botero 1597–8, Part I: 54–5). In large territorial monarchies, such as the Spanish or the British, it seemed unlikely that genuine republican systems would be found, that is,

instances of the northern Italian type of city-state politics, or ‘free states’, according to the depiction given by civic humanists. But, while the contemporary language of politics was closely related to the world of the city, even in humanist circles there was some discussion of how civic liberties could fare in larger territorial units. And, as it was, republican features of one sort or another could indeed be traced and republican developments did occur in those larger polities, usually in relation to the question of what sort and degree of liberty was it possible to enjoy under monarchical rule (Koenigsberger 1997; Skinner 1990a: 300 ff.; Viroli 1990: 158–9; Rubinstein 1991: 33–5, 53–4). And this was the case with Spain.

Of the two quoted types of government labelled as ‘almost republican’ by Botero – a kingdom and a city, both within a monarchical structure – the latter use was far more familiar in the Spanish political vocabulary, together with, of course, the more general meaning as *res publica*, ‘public affairs’. A plain example is to be found in a widely diffused Castilian dictionary published in 1611 that rendered the word *república* in Latin as *libera civitas, status liberae civitatis* (Covarrubias 1993: 906). Meanwhile, other treatises presented a vision of a republic following the commonplace anthropomorphic image of the whole community, as in Jeroni Merola’s *República original sacada del cuerpo humano* (Barcelona, 1587).

But the non-monarchical meaning of ‘republic’ was by no means unknown in Spain. After stating that a republic is ‘the whole company and society of men gathered in one commonwealth of life’, the Valencian Fadrique Furió, in a book on royal councillors published in 1559 and translated into several languages, said that such a republic was composed of body and soul. The body was its physical location and urban fabric. ‘The soul’, he went on, ‘is the government’, which could take a variety of forms, according to the number and sorts of people who enjoyed access to offices. Among a long list, Furió mentioned one particular type, when government is held ‘by nobles and plebeians, as Rome once the kings were expelled, Lacedaemonia, Athens and in our days Florence and Siena, and so are the other republics that still stand in Italy’ (Furió 1978: 142–3). One generation later, in 1598, the Tacitist writer Baltasar Alamos de Barrientos warned the new king, Philip III, in a lengthy report on the domestic and international situation, that Venice and Genoa, ‘as republics, naturally abhor the rule of absolute princes’ (Alamos de Barrientos 1990: 48). Similarly, the constitutionalist Juan de Mariana, in a book meant to contribute to the education of the same king, when still the prince, differentiated among four forms of government: monarchy, aristocracy, republic, ‘called properly as such, meaning that all members of a people

take part in government, according to their merits, as honours and magistratures are accorded to the best ones', and lastly 'popular government, called democracy, [where] honours and state offices are given with no distinction of merit nor orders' (Mariana 1981: 60–1).

Other related key words, 'city' and 'citizen', were also widely used. The 1611 dictionary defined *ciudad* as 'a collection of citizens [*hombres ciudadanos*] who have congregated together in order to live in the same place under the same laws and government'; and *ciudadano* as 'he who lives in the city, and lives off his own capital, income, or property', or also as 'an estate in the middle, between *caballero* or *hidalgo* and mechanical jobs', which included 'the lawyers [*letrados*], and those professing letters and the liberal arts' (Covarrubias 1993: 427; Thompson 1992, ch. 15). These were standard, Aristotelian definitions. But another description, to be found in an early eighteenth-century dictionary, included Ciceronian overtones: '*Ciudadano*: the city dweller, who enjoys its privileges and is obliged to carry his duties, and cannot be relieved of them by any particular exemption' (*Diccionario de Autoridades* 1990: I, 364).

General, broadly shared definitions, though, could not mask nuances in their concrete uses over space and time. Political differences within the Spanish composite monarchy between Castile and the Crown of Aragon gave rise to and were underlined by linguistic differences, at the level of both cities and kingdoms. Thus, their respective constitutional developments formed the background (both political and linguistic) against which differing cases and meanings of republicanism took shape. At the same time, this republican vocabulary coexisted and interacted with other political languages, notably that of the flourishing neoscholastic school.

I

As so many other countries, Castile developed during the Middle Ages a strong urban tradition, grounded on municipal franchises. But royal authority was asserting itself over town councils, specially from the mid-thirteenth century onwards. This trend went hand in hand with the fact that local élites, notably the northern Castilian *caballeros villanos* (non-noble knights), formed by rich merchants and rentier groups, gained control over municipal offices. Citizenship (*vecinaje*) was defined above all by residence, ownership and – especially in that frontier society – military service, while one further prerequisite for acceptance as *caballero villano* was the ownership of a horse and the necessary weapons. But later on the access of the nobility to the offices could not be avoided and a general pattern was devised for most Castilian

cities and major towns: noble and non-noble oligarchs were to share the offices by halves (*mitad de oficios*). While only the presence of the artisan class was in retreat, the crown began to appoint its own official, the *corregidor*, to supervise municipal affairs, severely curtailing the formal autonomy of the local aldermen, the *regidores*. The mid-fifteenth century, with its civil and dynastic strife, was a sort of golden age for the urban militias, which developed to the point of forming inter-municipal leagues or brotherhoods, *hermandades*. But, as the Catholic Kings brought domestic pacification, they put them under direct control by the crown (Ruiz 1994; González Alonso 1981, ch. 2; Lunenfeld 1989).

Nonetheless, urban communities and militias showed remarkable vigour in 1520–1, as they formed the *Comunidades*, the largest and gravest revolt in early modern Castile. *Comuneros* (commoners), mostly based in northern and central Castile, first rose against Charles V's voracious Flemish councillors, but soon developed a vigorous constitutional programme in defence of the political role of both cities and kingdom, coupled with a clear anti-seigneurial position. *Comunero* proclamations had an express civic tone. The *Comunero* leader Gonzalo de Ayora, a humanist who had spent some time in Italy, spoke at a public rally in Valladolid about the respective advantages and inconveniences of monarchy, aristocracy and democracy, drawing examples from antiquity. More precisely, Juan Maldonado, a humanist as well and an eyewitness of the popular takeover of the Burgos town council, wrote in his chronicle that the goal was to establish a democracy. Also in Burgos, one harangue prompted knights and citizens to 'defend your liberties', for, in doing so, in addition to serving God and the king, they would honour their fatherland (*patria*), the latter being an action, as it reminded the audience, that used to be praised by 'all [ancient] writers' because it allowed them to achieve 'fame and crown' (Maravall 1979: 80, 154; Sandoval 1955: 1, 231).

Although spread over a large territory, the upheaval was eminently urban. What is more important, it seemed to attain the transition from the urban to the national scale, just the difficult step that was to be faced by a number of civic movements elsewhere in Europe. Royal councillors and writers related to noble circles found in it a reprehensible republican inspiration, as they blamed the leaders of the revolt for pushing cities 'towards liberty, the way the city of Genoa and others in Italy are', or denounced their plans to become 'exempt and freed, like Venice, Genoa, Florence, Siena and Lucca, so that they will not be called cities any more, but *señorías*, and they will have aldermen (*regidores*) no more, but consuls' (Maravall 1979: 155).

The steering committee of the revolt, the Junta, put forward its programme in the *Ley perpetua*, drafted in 1520. This strongly constitutionalist text demanded that the king should honour the laws of the kingdom and called for an invigorated Cortes. In the event, a joint royal and noble army crushed the *Comunero* militias in 1521. Just then there appeared the *Tractado de república*, by the friar Alonso de Castrillo, a work that sought a well-ordered community based on cities, obedience and equilibrium. He addressed directly the issue of the *Comunidades* (admitting to the justice of their complaints, though disapproving of their excesses and rejecting any claims of equality among men) and showed little interest in Charles V's imperial ventures. But the bulk of the book was not devoted to constitutional reasonings (such as those put forward by the *comuneros* themselves) but to urban political organisation, with plenty of quotes from Aristotle and Cicero and interest in the Jewish, Greek and Roman republics. Castrillo's treatise, then, figures as one of the clearest expressions of a republican sensibility in Castile, triggered by that political crisis. According to him, social life began when men, after living as beasts, gathered in cities, 'the noblest and highest of all human congregations'. This was achieved, above all, thanks to conversation, one of the leitmotifs of the book. Following Isidore, the great Visigoth scholar, he saw kingdoms as composed of several cities, with kings as their head. The distinguishing trait was citizenship, with its concomitant elements of virtue, merit, love of the republic, ownership and participation: 'Nothing else reveals whether a man is a citizen but his participation in judging and determining public affairs.' But, always wary of the lower people and their desire for novelties, Castrillo saw knights as the only ones fully entitled to citizenship, while merchants, because of their greed, he deemed only 'imperfect citizens', not unlike children. As for artisans, he plainly excluded them. Temporary, accountable rule, on its part, was the way to secure a limited exercise of authority (Castrillo 1958: 19, 8, 200; Fernandez-Santamaria 1977, ch. 1).

The *Comunero* defeat was a watershed in Castilian politics, and neither classic constitutionalism nor Castrillo's republicanism found many direct followers. Royal authority became much firmer and more accepted. From 1538 onwards, Charles V ceased to convoke the ecclesiastical and the noble estates when calling the Cortes of Castile, thus reducing them to one single estate, formed by the proctors of eighteen cities, which were to increase to twenty-one into the seventeenth century. Furthermore, not only law-making rested almost exclusively in the king's hands, but a strong body of royalist doctrine developed proclaiming that the king was *legibus solutus* in matters

belonging to civil law, although certainly not so in divine and natural law. Formulae such as *scientia certa, motu proprio, non obstante* and others, eased the way to royal absolute sovereignty, which, nonetheless, was thought to differ clearly from a tyranny (De Dios 1996–7). So widespread was this way of understanding the powers of the crown that a treatise entitled *República mixta*, by Juan Fernández Medrano (1602), argued, in fact, in favour of unrestricted royal authority in civil matters and plainly denied the subjects any possible right of resistance. As a matter of fact, there were not many Castilian authors in favour of a genuine mixed monarchy, a régime that, as Alamos de Barrientos warned, ‘it is in easier to praise than to find in practice, and if it were to exist in practice, it would not last for long’ (Maravall 1997: 167–9, 206–8, 407; Rubiés 1996).

But the Castilian political arena and doctrine did not become an absolutist preserve. Alongside this absolutist trend, political thought knew another, distinctive current, the neoscholasticism of the famous School of Salamanca. Great theologians such as Francisco de Vitoria, Francisco Suárez, Domingo de Soto, jurists such as Fernando Vázquez de Menchaca, and others, developed a doctrine, based on man’s natural liberty, that argued that God transferred legitimate authority to the people, who, in turn, delegated it to the king. Such delegation was usually understood not as definitive, but conditional, so that *consensus populi*, whether express or tacit, was indispensable. It was widely assumed that Castile’s fundamental laws had to be honoured, while kings were expected to rule justly, respecting natural law and pursuing the public good. The old Visigothic dictum *rex eris si recte feceris* remained very much in force within this philosophical school, whose dominant tune was constitutionalist (Skinner 1978: II, ch. 5; Brett 1997).

The discourse of these distinguished authors was mostly abstract, devoid of the concrete historical references to be found in the older late-medieval constitutionalism. It is not surprising, then, that they failed to address the institutional means to express consent and the concrete ways to check whether or not the king was up his duties. True, Castile knew a peculiar procedure to oppose royal decrees thought to be against this loosely understood legality: the formula ‘obey it, but do not carry it out’ originated in the 1370s. What it usually achieved was a temporary suspension, during which royal councillors were to revise the decree (González Alonso 1980). Other than this, Castile became virtually deprived of effective legal and institutional means of opposing the royal will in law-making (though certainly not in fiscal matters). The limits which the king was supposed to respect

were, above all, of a moral nature, a moral constraint. A proper, demanding education of kings and princes in Christian values was to guarantee this goal.

But constitutional debate did not disappear. The kingdom had a voice, or more than one: those of the cities, Cortes, the assembly of the clergy and even royal councils. The Castilian Cortes, in particular, although reduced to one single estate, were able to place limits on the crown's fiscal policies. As in other European monarchies, royal financial needs gave rise to a new role for the Cortes and, even more clearly, for those cities 'with a vote in the Cortes' – as they were commonly called – because each of them retained its respective *voto decisivo*, while their proctors were endowed only with *voto consultivo*. The final answer to the crown's demands laid in the town councils (Fortea 1990; Fernández Albaladejo 1992, Part II).

Municipal politics, thus, became an increasingly important factor in Castilian politics. Moreover, chorography and local historiography flourished as powerful vehicles for urban identity. Strongly localist and rooted in the tradition of *laudes*, this production not only provided the cities with a role that official histories commissioned from the court tended to ignore, but also presented them in a contractual relation with the crown. Fidelity from the former and privileges granted by the latter were the reciprocal fruits of such a relationship. The localist world-view to be found in these abundant books was instrumental in shaping the political culture of the Castilian municipal ruling classes (Kagan 1995).

However, this political culture was not strictly civic. As a matter of fact, the civic vigour that was so apparent around the *Comunero* movement somehow paled, and the language of citizenship became more vague. To begin with, *comunidades* acquired a negative meaning, similar to 'faction' and 'revolt', as was apparent, firstly, in the answers given by Castilian villagers to the *Relaciones topográficas*, an ambitious survey launched by the government in the 1570s, as they looked back to the events of 1518–21; and, then, in the standard eighteenth-century dictionary, under the word *comunero* (Maravall 1979: 212–33; *Diccionario de Autoridades* 1990: I, 464). As for the concept of 'citizens', it was defined time and again as those who live together under the same laws, thus following standard notions, while 'city' or 'republic' were presented as a well-governed and self-sufficient assembly. In contrast, its other conceptual component, participation, was less and less pointed to. Even at the municipal level, earlier definitions of the third estate as composed of 'merchants' or 'citizens' mostly disappeared (Maravall 1997: 96–9; Thompson 1992, ch. 15, p. 67).

Civic vocabulary, then, was losing its edge in Castile. This could be also seen in the fine Castilian translation of Castiglione's *Il cortegiano*, by the Petrarchan poet Juan Boscán, born in Barcelona, published in 1534. He rendered *cittadini* as 'inhabitants' (*moradores*) or else as 'the people', while he seemed to avoid the adjectives *civil* and *cívico*. 'Le cose civile' was rendered as 'the government of the republic'; 'la virtù civile', as 'the virtue which makes human relations possible' (*la virtud que compone y concierta el trato humano*); and 'viver civile' as 'living under the well-ordered system which is usually to be found in good cities' (Morreale 1959: 1, 110–13). On the other hand, however, Machiavelli's works, including *The Prince*, circulated with no hindrances, in Italian. The Castilian translation of his *Discourses* (1552) got the approval of Charles V himself and was dedicated to Prince Philip, while the Roman Index of 1559, which prohibited all Machiavelli's works, was not enforced in Spain. It was not until the Index of the Spanish Inquisition of 1583 that Machiavelli was formally forbidden, although this did not prevent individuals from hiding copies at home. More particularly, an anonymous Castilian translation of *The Prince*, at the end of the sixteenth century, which remained in manuscript, faithfully translated *virtù* in one significant passage as 'valour' and 'virtue' (Puigdomènech 1988: 41–61, 118–19).

Virtud, however, was understood in a variety of ways. Spanish writers joined in the contemporary humanist discussion about the relations between *virtus* and *nobilitas*. In Castile, the discussion was brought to bear on two specific political arenas: sale of municipal offices and requirements for *hidalguía* (noble status). The sale of municipal offices unleashed a vivid controversy as to who most deserved to hold office: men of worth or those who could buy it? Arguments abounded, but, in any event, one of the results of the sale was the transformation of elective offices into virtually permanent ones, thus cutting down participation and destroying whatever was left after the *Comunidades* of a republican sense of municipal life (Gelabert, 1997a; Hernández 1997: 93). On the other hand, discussions developed also around the reasons for ennoblement put forward by those who wanted to justify their claims to social promotion. Since it was the king who bestowed *hidalguía* on individuals, the humanist notion of virtue as individual service to the city yielded to that of family service to the crown (Thompson 1992, ch. 14). A third factor which contributed to blur the civic spirit in Castile was that, well into the seventeenth century, a supra-local identity appeared at the level of the provinces which formed around the cities with votes in the Cortes. Fiscal, military and cultural trends accounted for this new political geography and new provincial localism, which went on into the eighteenth century (Thompson 1995: 151–9).

Nonetheless, if all these trends played against municipal vigour, they did not provoke the total demise of Castilian civic spirit. Some old republican sentiments survived, like the continuing link between civic militias and citizenship, along new royal military policies (Ruiz Ibáñez 1996), and new ones were to evolve from the late sixteenth century onwards.

II

Meanwhile, things were different in the Crown of Aragon, both in language and in practice, both in municipal life and in parliamentary politics. The municipal régime in Aragon, Catalonia and Valencia was clearly more open than the Castilian one, related as it was to active guild structures and partially based on more or less electoral procedures. It shared the western Mediterranean heritage of strong, autonomous and collegiate town councils, like the Council of the One Hundred in Barcelona or the General Council in Zaragoza and the city of Valencia, where the *ciudadanos*, or urban patriciate made of merchants, lawyers and a rentier class, held political hegemony, leaving a minor presence to gentlemen and artisans.

While placed under the ultimate authority of the crown, these municipalities enjoyed a comparatively high degree of political and financial self-government. More particularly, appointment to municipal office was very much in the hands of the local ruling class, thanks to cooption by means of *insaculaciones* (lottery for office among names in the lists of each body represented in the council). Although the crown made some inroads in municipal politics, including the tampering with lottery results and lists of officials, in the end municipal autonomy was still alive in the Crown of Aragon, especially when compared with Castile: no such office as the *corregidor* ever existed in the eastern territories under the Habsburgs, and sale of offices was only seldom practised. Similarly, the trend toward oligarchisation of this system, which was apparent in the closer ties growing among bourgeois and lesser nobles and in the admittance of the upper nobility to offices in Perpignan (1601), Barcelona (1621) and Valencia (1652), although not in Zaragoza, did not modify its two social salient features: hegemony of *ciudadanos* and (decreasing) presence of artisans (Amelang 1986, chs. 2–4, 1982; Torras Ribé 1983, ch. 1; Casey 1979, ch. 3; Jarque 1994).

Carrying so visible a status, the notion of citizenship was obviously a key one. It was an exclusive notion, defined by its privileges. But Andreu Bosch, a lawyer from Perpignan, gave it a remarkably broad, inclusive range in his *Summari* of 1628: ‘Under the title of citizen, all sorts of persons are included, from the highest duke . . . to the minor inhabitant, both native and

newcomers . . . so that all the inhabitants in cities are citizens and those who live in towns are burgesses . . . even the humblest artisan.' Inside this wide universe, he established three different ranks, according to honours and reputation: major, middle and minor. Those belonging to the first rank, Bosch explained, were called *ciudadans* or *burgesos honrats*, the main characters in Catalan (and also Aragonese and Valencian) local politics and society (Bosch 1974: 411–12).

With this background, it was usual for local historians and chroniclers to embellish the story of their municipalities by drawing parallels between the local councils and classical Rome or contemporary Venice. Among many others, Bosch himself equated Catalan town council members to Roman consuls, senators and patricians, Gaspar Escolano did the same with relation to the authorities of the city of Valencia, and an Aragonese antiquarian claimed that his native city, Calatayud, enjoyed a mixed, participative government, thanks to the presence in its municipal body of all the local estates, and that this made it similar to the ones of contemporary Genoa, Venice or Barcelona (Bosch 1974: 370, 412; Casey 1999a: 116; Martínez del Villar 1980: 79). This was more than mere rhetorical expedient. Underlying it, specially so in Barcelona, there was a clear cultural outlook, which mirrored itself in Ciceronian gravity and Cato's self-righteousness (Amelang 1986: 33, 110–11). Altogether it expressed pride in the benefits of mixed government at the local level, commitment to active participation in public affairs or even a certain degree of openness of the municipal body.

The clearest expression of this civic culture was Juan Costa's *El regidor o ciudadano* (1575; revised edns., 1578, 1584). A lawyer, rhetorician and professor at the universities of Huesca and Salamanca, as well as briefly a municipal official in his native city of Zaragoza, Costa fully shared Ciceronian and humanistic assumptions regarding the *vita activa* and one's duties towards local politics. But not everything was so neat, especially in the kingdom of Valencia. The authorities of its capital city neglected from the 1590s onwards to keep registers of concessions of citizenship. And the noted historian Gaspar Escolano, in a book appropriately entitled *Década primera de la historia de Valencia* (1610–11), wrote that James I, the conqueror of the city from the Muslims and founder of the new Christian kingdom in 1238, gave the city 'laws of its own (*de por sí*) and the form of an independent republic'. But, at the same time, despite the fact that he was the son of an honoured citizen, his world view was not only communal but also chivalric, and he claimed that the kingdom 'combines the status of a free republic and the condition of subject to its king and lord', an expression that another local historian,

Vicente Bendicho, applied to his native city, Alicante: 'a republic that is free and very much subject (*libre y muy súbdita*) to its king and lord' (Casey 1979: 225, 1995: 192, 1999a: 113, 1999b: 240; Bendicho 1991: 151).

Valencia presented some peculiarities, indeed. The heritage of the reconquest was stronger than in Catalonia. Moreover, the body of honoured citizens was not as well defined as in Barcelona, the *insaculación* system was not established in the capital city until 1633 and the municipal government was not as much under their hegemony. Moreover, the lure of ennoblement was stronger. This more ambivalent world is reflected, for instance, in Francisco March, a leading magistrate in Valencia, who, in the early seventeenth century, referred to himself as a 'citizen' in the civic annals he edited, in spite of the fief he had in a nearby village and the fact that his son sat in the Valencian Cortes in the estate of the nobility (Casey 1979: 167, 175–8, 1995: 191–2).

But Valencia did share the Mediterranean tradition of public debate, so alive in Catalonia as well. Furthermore, the Crown of Aragon, and particularly Catalonia and Valencia, knew a distinctive cultural and political practice, less common in Castile: diaries, and more specifically, diaries and autobiographies by artisans. To members of the middling sort such writing was more than a sign of individual consciousness: it meant personal and class assertion, a claim for participation in urban politics, a defence of one's city; in brief, citizenship (Amelang 1998: 219–22, 241, 244).

Moreover, the urban space was not the sole arena for public debate. The Cortes was another, most important one. The Crown of Aragon boasted a long tradition of contractual politics, where king-in-parliament was a basic factor, although from the early seventeenth century onwards the Cortes were summoned at increasingly longer intervals. The kingdom of Aragon, moreover, had an especial court, the Justicia de Aragon, a *iux medius* charged with the task of checking the legality of laws and ordinances. This peculiar judge was the central figure of the six legendary *fueros* of Sobrarbe, a historical forgery which powerfully established the elective, limited and contractual nature of kingship in Aragon. During Philip II's reign, two successive official chroniclers of Aragon, the great Jerónimo Zurita, a remarkably objective historian, and Jerónimo Blancas, the far more ideologised author of *Comentarii rerum Aragonum* (1588), added to this vision by presenting the Justicia as an equivalent of the Spartan ephors, and French Huguenot writers profited from this story (Giesey 1968).

Meanwhile, Aragonese practical politics went through increasing agitation, which reached its peak in 1591 when the Justicia rose in defence of the

provincial *fueros* and confronted a royal army sent to put down the troubles. Amid intense debates during and after the events, Antonio de Herrera, a Castilian royalist historian, accused Antonio Pérez, the famous former royal secretary and leader of the revolt, of convincing Aragon to abandon its condition of a kingdom in order to become a republic, an intention that, as far as the Aragonese were concerned, was denied by Francisco Gilabert, a more sober polemicist (Gilabert 1888: 481). In any case, Philip II suppressed the revolt without much difficulty. While the ensuing institutional reform was rather limited, a change in the political climate did occur, and, as a result, both the constitutional language and, particularly, the discourse of citizenship lost ground to a discourse of fidelity (Gil 1995).

III

As a new period opened up in Aragon, the late sixteenth century witnessed new political, doctrinal and linguistic developments in Castile. In 1573 Juan Ginés de Sepúlveda published *De regno*, a work written years earlier, where he showed not only his Aristotelian training, but also strong influences from civic humanism and Pietro Pomponazzi in particular. The able antagonist of Bartolomé de Las Casas in the great Indian controversy of previous decades, Sepúlveda praised virtue and *vita activa* and regarded the king as only a kind of manager of the community, its first citizen (Fernandez-Santamaria 1977, ch. 6; Fernández Albaladejo 1997: 120–2). Sepúlveda's book had no followers of note. But in the subsequent years, 'republic' and 'republican' not only did not fall into disuse but became key words in Castilian political and fiscal debate.

As royal taxation grew heavier, the crown found it ever more difficult to obtain the approval of the town councils that sent proctors to the Castilian Cortes. During the struggle to get the renewal of parliamentary subsidies in 1576, the *corregidor* of Soria complained that 'if there is a place in Spain ready for *comunidades* it is this one, because they do not know a king, nor know what thing a king is'. Years later, in 1597, during the endless bargaining of what would be the last Castilian Cortes of Philip II, in session from 1592 until after the king died in 1598, a canon in Granada, who used to warn those who were prone to approve the crown's demands that they would condemn themselves to Hell, protested: 'If we in Spain would be governed by means of republics, like Genoa or Venice, maybe we would happily not suffer so much need.' And during these same negotiations, royal officials, annoyed by the proctors' resistance, said that the latter were not allowed to handle the subsidies to the

king ‘as if they were the republic of Venice *vis-à-vis* its duke’, for – the officials complained – ‘the proctors are but the body of the republic, while the soul, head and origin of everything is his Majesty’ (Fortea 1990: 326–8, 1997: 83).

References to the famed northern Italian republics could not be more eloquent. However, they cannot always be taken at face value, as a conscious programme for radical change. It was usual for local officials or territorial delegates to put great emphasis on the political and financial difficulties they were facing in their dealings with local authorities, and a supposed similarity to those republics could be used to this effect. But, nonetheless, the frequency with which these references occurred, along with a peculiar use of the terms *república* and, especially, *repúblico*, bespoke an undercurrent of Castilian disquiet that surfaced as political opposition, one, moreover, that found a language of its own.

In the arguments of both writers and local politicians who were not ready to accept uncritically the crown’s demands, it was apparent that *república* did not only mean the classic *res publica*, involving both king and kingdom, but specifically the kingdom. ‘The well-being of the republic and its villages’, not the king’s coffers, was the first duty of local authorities, a minor official in Córdoba claimed in 1600, while another in Avila suggested around the same time setting up a small committee to consider different fiscal solutions, in which six theologians and six jurists were to sit with six ‘good men, *republicanos* of conscience and intelligence’, that is, persons with expertise ‘in the state of the realm and its members’. Similarly, the *corregidor* in Jaén accused dissident preachers and aldermen of ‘raising the spirits of the vulgar people by presenting themselves as their defenders, and those who favour the subsidy as the enemies of the republic’. A few years later, in 1618, a royal official, faced by local opposition, lamented: ‘Everybody is anxious to appear as republican people (*gente de república*)’ (Jago 1995: 70, 51, 53; Thompson 1997: 486).

As the proposal from Avila shows, the debate was sharpened by contributions from academic and doctrinal quarters. Political argument, indeed, borrowed fruitfully from the erudite reasonings on the origin and limits of political power written about by the authors of the School of Salamanca, who, in turn, were not unaware of contemporary worries. How far should the argument of necessity, brandished by the crown, ignore the impoverished situation of so many towns and villages? In all conscience, was the priority for both king and subjects, within the framework of their reciprocal duties, the defence of religion or the well-being of the kingdom? These were pressing questions, clearly echoing Neo-Scholastic teachings, over which political

actors agonised for a number of years. And municipal opposition did not lack theologians on its side (Jago 1995).

For all these well argued reasons, Castilian political culture was deeply monarchical, even among authors insisting on the limits, moral or parliamentary, of royal prerogative. This explains why the Dominican Francisco de Vitoria, an outstanding figure of the School of Salamanca, refuted in his *De potestate civili* (delivered as a classroom lecture in 1528 and published along with other lectures in 1557) the opinion that all kings and princes were tyrants and enemies of liberty. And he was critical of ‘civil societies that have no king, but are ruled by a popular government, [which] boast often of their liberty, and blame other civil societies for being servile subjects to their sovereigns’. Instead, he stressed that there was no less liberty under a monarchy. The same opinion was argued by the Portuguese Pedro Barbosa (Fernandez-Santamaria 1997: 161, 168; Hernández 1995: 169; Maravall 1997, 172–3). Monarchical rule as a guarantee of equilibrium and against factionalism and civil strife – this was a well known argument. The Jesuit Juan de Mariana contributed to these analyses in his *De rege et regis institutione* (1599), the great constitutionalist tract where he put forward his remarkably open approval of tyrannicide. Limited monarchy was, for him, ‘a civil and free government’. He conceded that ‘wise men born in free cities’ did not appreciate monarchies, not unlike the Holy Writ, which speaks of a government by judges for ‘the Jewish republic’, a régime, he added, that was indeed ‘a civil form of republican government’. But he underlined that ‘republic has its antithesis in popular government’, just as aristocracy had its in oligarchy (Mariana 1981: 99, 34, 61).

Since, according to Mariana – and other Castilian authors – kings were only keepers of the law, for they received their authority from subjects, who retained a higher power of their own, popular consent was the basis of legitimate monarchical rule. Mariana established a rather long list of matters that required consent, including hereditary succession. A lax, ahistorical idea about a tacit consent for hereditary succession was present in different writers, like the Tacitist Alamos de Barrientos, who, in spite of his scepticism about mixed government, stated: ‘The election of kings, instead of an absolute succession, can be taken as a kind of republican liberty (*libertad de república*)’ (Mariana 1981: 41, 46, 59; Maravall 1997: 179–80).

Beyond these theoretical reasonings, popular consent to elect a new prince was strikingly put to work in practice around those very years. During the war between Philip II and Henri IV, the *commune* of Cambrai, caught between Spanish Flanders and France, rejected its former sovereign, the

local archbishop, and chose freely to put itself under Philip's sovereignty and protection, under the condition that local privileges were to be respected. The move was not entirely unprecedented, for local politics and debate had been turning around the *consensus populi* doctrine over the previous years, under the influence of radical theories of the Catholic League. But it was striking because Philip's government accepted easily this change, regardless of the fact that the archbishop was the legitimate sovereign of the city. Doubts arose about the legality of the acceptance, but Cambrai continued as a Spanish dominion until the Peace of Nijmegen (1678), when it was transferred to France (Ruiz Ibáñez, 1999).

This was an extreme instance of popular participation in high politics. In fact, participation remained a central issue for discussion. In an outright statement, Mariana deemed it characteristic of a tyrant to forbid subjects to gather and form assemblies, and to use spies to prevent them from informing themselves and speaking freely, 'which is the worst limit to which servitude can arrive' (Mariana 1981: 68). Meanwhile, the endless financial needs of the crown allowed for a sort of revival of the communal spirit in Castilian cities. The sale of *regimientos* (municipal offices) gradually provoked the disappearance of the customary, annually elected *concejos*. General municipal assemblies (*concejos abiertos*) became less and less common across Castile, but memories of them survived. And when there was discussion whether to abolish perpetual *regimientos* in order to put an end to misgovernment, as it happened in Alfaro in 1602, the *concejo abierto* was revived, giving way to a lively debate, after which the Alfaro townsmen decided to abolish the alienated offices by buying them back, at a very high cost (Thompson 1992, ch. 12).

A larger revival, that of the whole Castilian Cortes, was sought by Juan de Mariana. He called for a entire assembly, that is, one that was to include again all three estates, and he looked towards neighbouring Aragon as a convenient model of limited monarchy (Mariana 1981: 94, 101, 118). This proposal for a renewal of Castilian parliamentarism was not put into practice. But, as it was, the Castilian Cortes – always in its reduced, unicameral form – knew an intense, though short-lived, activity at the beginning of Philip IV's reign. The count-duke of Olivares, at the start of his régime, wished to get wide support for his ambitious plans for financial reform (notably a network of *erarios*, or public banks), and he sought it in the Cortes of 1621 and 1623. But a number of proctors, led by that from Granada, don Mateo Lisón de Biedma, opposed. The Olivares plan foundered and he was taught a clear lesson: in the 'Great Memorial' he wrote for the young king in 1624, he warned of the dangers that local notables could appear as defenders of the people against

the goals of the government. And a few years later, in 1629, once Lisón was banished to his estates after a stormy interview with Olivares, he was described by a local official as ‘one who brags of being a *repúblico*’ (Olivares 1978: 1, 62; Elliott 1986: 306).

It was also during the early years of the Olivares régime that Diego Pérez de Mesa wrote his *Política o razón de estado*. A far more isolated figure than either Mariana or Lisón, he was concerned, as were so many writers of his age, with the conservation of states against the perils of both tyrannies and revolts. But rather than locating the solution in the usual figure of a just, Christian king, he found it in a body of well-educated citizens, ready to be appointed as judges and take part in the government of the community. However, he did not promote a genuine republican régime: when dealing with revolts as a cause for change of governments, he pointed to the dangers that ‘a kingdom should take the form of a democracy, a risk that nowadays is quite present all over Europe, as can be seen in Geneva, among the Swiss, and that has been attempted, as of late, by the Huguenots in France’. Honest living in a well-ordered city, this was his political ideal, which led him to criticise both the authoritarian government at home and the economic mismanagement of the American dominions (Pérez de Mesa 1980: 223).

Pérez de Mesa is probably the more self-conscious writer on the value and virtue of citizenship in monarchical Castile of his age, a time when the citizen as such was not a favoured topic of discussion. Virtue, in contrast, was not civic virtue, but the one the king was supposed to have. By the late fifteenth and early sixteenth centuries, Castilian authors saw the king as embodying the virtue of the whole community (Pardos 1995). Now, in Counter-Reformation times, such kingly virtue was conceived of as one of a deeply religious, instead of civic or even political, nature. This was apparent in Pedro de Ribadeneira’s *Tratado de la religión y virtudes que deve tener el Príncipe Christiano* (1595), a major treatise on the ‘true’ reason of state, and in Juan Eusebio Nieremberg’s *Corona virtuosa y virtud coronada* (1643) (Fernández Albaladejo 1997; Iñurritegui 1998). Such a religious outlook was also clear in the work of urban cartographers and local historians. City views and chorographies put great emphasis on any particular detail of the urban landscape and local record of one city or another, but they grew increasingly concerned with their spiritual dimension, so that cities came to be portrayed, above all, as *civitates Dei* (Kagan 1998).

A different intellectual trend was also present by the early seventeenth century, neostoicism. As elsewhere in Europe, the towering figure of Justus Lipsius exercised an intense influence on the count-duke and his circle.

Prudence and constancy on the ruler's part, and discipline and obedience among the ruled were the virtues by which a proper civil life was to be secured for the whole community, but, again, the leading actor was the prince, not the citizen, so that neostoicism – in spite of its roots in classical republican theory – played against republicanism. And, in any case, the fortunes of Olivares's efforts in inculcating neostoic values were not dissimilar from those of his régime as a whole (Elliott 1986: 17, 22–3, 181, 278–80, 454; Van Gelderen 1990: 219).

Lipsian teachings also reached the ranks of provincial élites, like the Aragonese. This trend added to political sensibilities in Aragon, particularly after the 1591 revolt. But it was in Catalonia that a much livelier debate was developing in these years.

IV

A wide consensus prevailed in Catalonia regarding the benefits of mixed monarchy and, consequently, the language of Catalan discussions was constitutional. An eloquent instance was shown in 1621, Philip IV's inaugural year. As the new king was postponing his obligatory trip to Barcelona to swear to obey Catalan laws and privileges (he eventually did so in 1626), ambassadors were dispatched to the court to remind him that compacts and conditions were prior to kingship. And they went further: while conceding that monarchy was the best form of government, they warned that the example of Venice showed that republics could survive. 'One can conclude, therefore, that if Catalonia were to govern by herself (*por sí sola*) while Your Majesty is delaying your oath, the Principality would not be destroyed.' This was a daring statement, though not exceptional. Lisón y Biedma himself had recourse to it shortly after, in 1623, in a memorial written during the parliamentary tensions of those years. Sharing the standard idea that kings were made for the good of kingdoms, Lisón pointed out: 'A kingdom can exist without a king, governing itself by elections, but there cannot be a king without a kingdom.' None other than François Hotman had said almost exactly the same thing (Elliott 1993: 19; Elliott 1994: 68; Hotman 1977: 157).

But the warning by the Catalan ambassadors rested on sharper references than Lisón's. Underlying Castilian protests against heavy taxation there was hardly a real political programme with goals or ideology different from standard visions of just kingship. Catalan statements did not have them either, to be sure, but nonetheless they were building an understanding of mixed monarchy that was placing increasing emphasis on the realm by means of

new arguments. Political tension in the late 1580s, coupled with some key antiquarian discoveries, pushed Francisco Calça to bring to completion a new story of the origins of the Principality, clearly influenced by the Aragonese Sobrarbe legend. The received account was that the Reconquest was a joint enterprise by king and subjects, but in *De Catalonia* (1588) Calça argued instead that the first Catalans delivered themselves from Muslim dominion and subsequently, as a free people, put themselves voluntarily under Frankish protection by way of a contract. The thesis of the Carolingian origins of Catalonia, with its implicit idea of an original election, was further developed by other authors in the 1610s and 1620s. Eventually it was to become one of the decisive arguments for the revolt of 1640 (Villanueva 1994; Simon Tarrés 1999: 38–44, 60–3).

Catalan constitutionalism, however, was not following one single track in the 1610s and 1620s, but it knew a variety of nuances, to be found in the works of a number of jurists. One of them, the Perpignan lawyer Andreu Bosch, stood out for his deeply popular understanding of the nature of the Catalan institutions. In addition to his inclusive notion of citizenship (that has already been referred to), and his sharing the now widespread thesis of the Carolingian election, Bosch can be seen as the closest instance of a republican spirit under a monarchical rule. He established a broad, if not quite clear, classification of republics, from the Roman to any municipal community. But for him, the dearest instances were the Catalan Cortes and their standing committee, the Generalitat. Furthermore, he presented the latter as a case of democracy. Although acknowledging the presence of the prince and stressing the fidelity of his Catalan subjects, his emphasis was not so much on the mixed nature of the Catalan system, as was that of so many other authors, but rather on its democratic spirit: ‘These two republics have a democratic government, which consists of many [people] . . . According to common law, in all republics and towns the government is the people (*es lo govern lo poble*)’ (Bosch 1974: 369–72).

As the tensions between the Olivares régime and the Catalan ruling class grew in the late 1620s and 1630s, the count-duke’s circle, and he himself, came to agree with Bosch about the republican aspects of the Catalan government. Olivares discovered the hard way how very limited the king’s authority was in the Principality and how coldly its ruling class reacted to the arguments of ‘necessity’ stressed by the crown’s officials in order to obtain military and financial services for the war. In 1631, don Juan de Palafox, a priest and member of one of the leading Aragonese noble houses, appointed to high offices by Olivares, wrote that Catalonia’s ‘style of government, under

the king's hand and the monarchy's shadow, smells a little like a republic, with such great influence exerted by town councillors' (Aldea 1986–91: 1, 446). The following year, this description was confirmed in the midst of political struggle during the uneasy sessions of the Cortes. When news of legislative proposals by the estates reached the count of Oñate, one of Olivares's ministers, he warned Philip IV that they were aiming to turn the Principality 'virtually into a free republic, under Your Majesty's protection'. Olivares could not help but agree. He told the cardinal-infante, the king's brother: 'Those people there are hard and terrible, because their form of government departs little, if at all, from that of a republic.' The count-duke was not slow in coming to the conclusion that in Barcelona he had his own La Rochelle. A few years later, in 1640, right after the outburst of the revolt, he compared the Catalans to Dutch rebels (Elliott 1963: 280, 510, 1986: 443, 447).

But it was not only that the king and his top ministers found it increasingly hard to exact obedience – as they understood it – from the Catalans, and that their régime looked republican to them. It also looked unusually, dangerously popular. 'The political government of Barcelona is extremely cumbersome', remarked Palafox, since 'the nobility is excluded from it almost entirely and, instead, it is entrusted to the people, out of which the Council of the One Hundred is formed'. Even more, he added, 'merchants and mechanical officials held the majority [of votes] and they are the most powerful part'. Similarly, a royal official wondered in 1632 at the fact that 'low people have such a role in this province, because its government is formed of all sorts of persons' (Aldea 1986–91: 1, 454; Villanueva 1995: 265). Equally dangerous seemed to Olivares the English Puritans. He foresaw that Charles I would run high risks if he were to summon parliament, because it was full of Puritans, who by definition were, according to him, 'republicans' (Elliott 1973: 247).

Things were rather different in Portugal, whereas words differed little. *Repúblicos* and *populares* was what the leaders of the growing opposition to the Olivares régime in the 1630s called themselves, but they were gentlemen, *fidalgos*. They complained that the government was not honouring the conditions that, sworn by Philip II in 1581, permitted the integration of Portugal as a *reino paccionado* into the Spanish monarchy. In demanding their exact observance, their language was not civic nor republican, but clearly contractual. And, eventually, when the secession movement began as a palace coup in December 1640, they did not become its leaders, but, after Olivares's downfall, remained mostly loyal to Philip IV (Bouza 1994: 99).

In the making of the Catalan revolt, the social background of the main actors was different, but the prevailing language was also contractual. During its very first days in June 1640, peasant leaders in and around Barcelona were referred to as *repúblicos* by a Catalan royal official (Serra 1991: 41), in what seems to have been a rare expression, that, nonetheless, adds to the variety of the contemporary uses of the term. Anyway, the revolt did end up in January 1641 in a genuine, independent, though short-lived, republic, the only one to come into existence in the Iberian peninsula before the nineteenth century. During the key autumn months, the arguments were vividly constitutional, although they were put forward by the steering body of the revolt, the Junta de Braços, a permanent parliamentary assembly, that, acting expressly without a king (while still keeping bridges open to him) was acquiring some *de facto* nature of a republican government. These arguments presented Olivares as the root of all the evils befalling Catalonia, and they went hand in hand with loud protests of fidelity, not unlike what happened in the Low Countries up to 1581 and Naples in 1647–8 (Van Gelderen 1992, ch. 4; Villari (ed.) 1994; Comparato 1998a). Another main source of arguments was neoscholasticism, brought by a commission of theologians called by the Generalitat. Resorting to the authority of the theologians of the School of Salamanca, the commission approved of all the moves taken hitherto in defence of provincial privileges. Castilian neoscholasticism, then, with its wide spread theories on the origins of civil power for the benefit of the people, helped to fuel Castilian opposition, the Dutch and Catalan revolts and the Portuguese coup (Jago 1995; Van Gelderen 1998; Ferro 1987: 432–3; Curto 1988: 221).

Still, constitutionalism coupled with patriotism provided the best part of the arguments, flourishing in the sessions of the Junta de Braços and also in the rich crop of treatises and pamphlets that ensued. As loyalties to king and *patria* were seen as incompatible, the defence of the latter – with her intrinsic laws and privileges – came gradually to the foreground. Even more, at this critical juncture, *patria* was not only invoked by authorities entrenched in the institutions, or by writers and pamphleteers, but also by artisans and peasants, who mobilised themselves to this or another, less humanistic rallying cry: *la terra* (the land, the country). The defence of the *patria* or the *terra*, then, was an important factor in both official and popular politics (Torres 1995, 1997).

Two important texts arguing the legitimacy of Catalan resistance were the *Proclamación católica*, by the friar Gaspar Sala, and the more scholarly *Noticia universal de Cataluña*, by the jurist Francesco Martí Viladamor. Both were officially commissioned and published by the end of 1640, when it was

already known that the king was sending an army to crush the revolt. The cornerstones of both works were the now dominant thesis of the voluntary delivery of Catalonia to the Frankish kings after having freed herself from the Muslims, the contractual nature of her kingship and the natural right of self-defence. The *Proclamación* included providential overtones and an implicit warning of secession, a point that the *Noticia* developed much more visibly. Dotting his pages with erudite quotes, Martí Viladamor dealt at length with elective kingship (grounded on Gothic laws), powerfully argued the lawfulness of resisting and taking up arms against the tyrant, claimed that Catalonia was fully entitled to undertake a change of government (be it democratic, aristocratic or again monarchical) and finally pointed out that the new king who was to be elected could perfectly well be the French king, both as heir of Charlemagne and as natural king of Catalonia – thanks to some alleged family links with a leading Catalan noble house (Sala 1640; Martí Viladamor 1995).

The impending arrival of the royal army provoked desperate fears that Catalonia was about to be conquered, her privileges abolished and her inhabitants reduced to slavery, following the fate of the American Indians. In fact, Bartolomé de Las Casas's *Brevíssima relación de la destrucción de las Indias* (1552) was quoted extensively by Gaspar Sala in another text, where he referred also to none other than Mateo Lisón y Biedma, the Granadan opposition leader. Sala did not forget either to mention Flanders and quote Traiano Boccalini, while he and other writers pointed as well to the oppressed state in which Castile found herself (Sala 1995: 30–1, 34 ff., 45–6, 49, 50; Martí Viladamor 1995: 83). The pressing need to secure the 'conservation' of the Principality pushed canon Pau Claris, chairman of the Generalitat and leader of the revolt, towards France. As the work by Martí Viladamor testifies, by the end of 1640 the idea of a French election was present. But in the field of practical politics, the prospect of a republican formula came first.

A Catalan republic was mentioned at the first meetings between Catalan and French officials in the summer months of 1640. But the process was far from straightforward. In those initial meetings, the Catalans asked for French 'auxiliary troops' to help them face Philip IV's army. The first French forces arrived by early December, but cardinal Richelieu did not make his formal answer known until 2 January 1641. The cardinal said that Louis XIII would provide help as long as Catalonia were to 'constitute herself an independent and sovereign republic'. In a subsequent interview with Catalan ambassadors, he was more precise: the king would take the republic under his protection 'as Genoa is in relation to the king of Spain . . . rather than accepting the Catalans as his vassals'. When news of his first answer arrived

in Barcelona, around the 10th, Catalan rulers were hotly discussing what type of régime (French protection or vassalage) would better guarantee their goals (*Les Corts generals* 1976: 88–90, 100, 402–4).

On 16 January, Pau Claris announced before the Junta de Braços that the most Christian king was willing to accept Catalonia under his protection, as long as ‘her government shall be organised in the form of a republic, in accordance with the conditions to be agreed’. The proposal was accepted, thus giving birth to the Catalan republic. But the republican experience was short-lived. A few days later, the takeover by the Spanish army of a town near Barcelona finally persuaded both Richelieu and the Catalan leaders that the scheme for a republic was impracticable, ‘after considering how very great the inconveniences are,’ the Junta remarked, ‘not only because of defence expenses, but also for the disposition of the government’. On 23 January, Claris informed the Junta that, in such a desperate military situation, it was necessary that the Principality should accept Louis XIII as its new sovereign, ‘as in the time of Charlemagne, with a contract to observe our constitutions’ (*Les Corts generals* 1976: 412–43; Elliott 1963: 521–2, 533).

Constitutionalism, then, under heavy military pressure and in a difficult international context, led gradually to an attempted republic and, immediately after, to a change of prince. The process was gradual, indeed: ‘with prudent steps, treading our ground carefully, degree by degree’ and ‘step by step’ were expressions used in the crucial session of 23 January, by the end of which a new, constitutionalist king was elected. Claris pointed that this election should be ‘only for [Louis’s] natural life, since Catalonia reserves to herself the possibility to elect a new lord in case he should not treat his vassals benignly’. But this wish, so consonant with Martí Viladamor’s insistence that Gothic laws prescribed a new election at every royal accession, just did not make it into the official documents (*Les Corts generals* 1976: 438–9, 441, 92).

From a constitutional point of view, the whole process was not very different from the move of the city of Cambrai to place itself under Philip II’s sovereignty in 1595. In any case, the result – apparently sought by Richelieu and his aides – was that Catalonia came under French rule in an extremely weak political position. Right afterwards, a French viceroy was appointed, with strong military forces at his command. Bourbon Catalonia found herself in a permanent state of war. This situation lasted until 1652, when Philip IV’s army recovered Catalonia, although not the county of Roussillon, which was definitively incorporated by France through the Peace of the Pyrenees of 1659.

A few other traits characterised Catalan political language and practice during those hectic weeks. While Olivares was blamed for his Machiavelianism (Sarroca 1995: 60, 83), a Ciceronian tone, in contrast, embellished the funeral orations for Pau Claris, who suddenly died in February 1641. A 'great patrician, an upright, true man, zealous servant of the public affairs and common good', he was once described as, busily absorbed in the conduct of politics. Now, at his funeral, he was praised as a new Moses and cast into the mould of a classic hero and a father of the community (*Les Corts generals* 1976: 309, 484–8; Fontanella 1641).

These erudite references went hand in hand with an explicit popular programme. An enlargement of the political body took place in autumn 1640 and winter 1641, by which the middle and popular sectors acquired a larger participation in public affairs. The clearest step was the establishment in the Barcelona town council of a new seat for artisan membership, 'the sixth councillor', a long-standing goal of the local popular classes that, remarkably, was not abolished by Philip IV in 1652 (Amelang 1982: 593–5; Torras Ribé 1983: 68–75; Serra 1991: 46 ff.).

This popular character, though, did not guarantee the survival of the republican experience. While it clearly gave it a broader social basis, it could alienate the support of influential sectors, whose desire for public order could play in favour of French rule, as was feared by the duchess of Cardona, a leading Catalan noblewoman who stayed in Barcelona. From French quarters, in addition, the prevailing anti-republican sentiments of the age became clear in the contemptuous opinion of an observer: 'It is not for the sake of living in a confused republic that they [the Catalans] withdrew from a monarchy' (Simon Tarrés 1999: 198; Elliott 1963: 532). As it was, the turn to French rule and rising taxation gave rise to a silent, growing domestic opposition, particularly after Olivares's downfall in 1643. At the same time, the Catalan case (that is, its present and future constitutional status) became an important issue at the peace conference at Münster (Sánchez Marcos 1998), an issue that was settled in 1652 when Philip IV recovered the Principality.

v

During the lengthy preparations for the Münster conference, Diego Saavedra Fajardo, the Tacitist writer and leading Spanish diplomat, thought extensively about monarchies and republics, 'their rise, conservation and fall', as he said in the prologue of his great book, the *Empresas políticas* (1640; 2nd, extended edn, 1642). His was a clear monarchical position, one that,

for all the limits he placed on the prince's will, could not conceive of a mixed sovereignty. During his diplomatic missions, Saavedra got to know how great was the liberty of free imperial cities and showed no appreciation for republics. He produced a list of sentences ('they provide themselves with *triarca* [a medicine] against the rule of one and yet swallow with no suspicion that [the rule] of many', 'those living in them think that they all are in command, but indeed they all obey', 'everywhere in them liberty sounds, but it is seen nowhere', and so on) from which he concluded that republics 'live without a lord, but not in liberty'. Moreover, Saavedra remarked that republics benefited from monarchies. According to him, it was the Spanish dominion over Italy and the power of the Austrian Habsburgs that allowed both Genoa and Venice to survive as such. And, turning to the Dutch, he stated: 'They love religion and liberty . . . [but] count Maurice . . . with appearances of liberty, reduced them to the oppression under which they are living today' (Saavedra Fajardo 1976: 538, 150-1, 419, 773).

Domestic political developments, meanwhile, followed their course in Spain. Far away from the world of diplomats, the viceroy of Valencia, a nobleman, declared in 1646 – when popular troubles seemed, for a moment, to point towards a repetition of the Catalan crisis – that he would avoid at all costs the setting up of a 'democracy'. A few years later, in 1650, during a tide of Castilian urban protest, some lawyers were accused in Valladolid of trying to promote disorder and 'unsettle the republic' (Casey 1979: 166; Gelabert 1997b: 472).

Political concerns and vocabulary, thus, remained about the same. But just then, the new international scene being drawn at Westphalia came along with new approaches. In foreign affairs, these were times of forced appeasement for Spain, when former claims to hegemony and militarism had to be abandoned in the wake of defeat, indebtedness and revolt. Catholic confessional doctrine was unailing (Viejo 1997), but the pressures of reality could not be ignored and it was increasingly accepted that 'conservation' required different reasonings and a resetting of priorities. This had repercussions on notions of citizenship and civility. Saavedra Fajardo is, again, a case in point. While aware of the unavoidable cycle of rise and decay, he was concerned to find out more human reasons and solutions. One was to cut down foreign commitments (a policy advocated also by other authors), another, much more important, was to fight idleness. *Otium* was needed but only that which 'brings peace and keeps itself occupied in arts, public offices and military training'. Everybody was bound by this duty to *vita activa*, above all the king, the permanent watchman. 'The result for the citizens is a serene quietness

and a fearless felicity, daughter of such leisurely occupation (*ociosa ocupación*)' (Saavedra Fajardo 1976: 698–9). His praise of occupation did not have a moral sense only. Work, and its fruit, material well-being, was also key for the conservation of communities and, more concretely, for what he called 'political felicity'. As other writers since the early seventeenth century – Botero and Spanish *arbitristas* among them – he deplored the abandonment of artisanal and mechanical work and did not fail to note the Dutch propensity for work (*ibid.*: 695–7, 773).

A similar concern cropped up in Catalonia. In 1643, on his way to Münster, where he was dispatched by the Generalitat and the Barcelona city council to defend the position of Bourbon Catalonia, Josep Fontanella, a man of the middle class, passed through the United Provinces and, as so many others, was struck by their prosperity. In a letter to his fellow officials in Barcelona, he urged them to change their economic assumptions and, like the Dutch, promote business. He promised to labour in the peace negotiations for Catalonia to obtain free access to 'the Indies and the whole world', and made clear that his sole concern was 'the restoration of my *patria*, in its present, most dire occasion' (Elliott 1963: 538; Costa, Quintana and Serra 1991: 289–90). There were other cultural changes as well. In subsequent years, the citizens and nobility of Barcelona were experiencing a steady evolution towards a culturalised, élitist sociability (Amelang 1986, chs. 5–6). But foreign perceptions were slow to change, especially from a royalist point of view: in 1701 Louis XIV was warned of the 'distrustful, shallow and republican character of the Catalan nation' (Albareda 1993: 84).

These new values were to develop well into the eighteenth century. The new Bourbon régime, by reducing the Cortes of Castile to a purely ceremonial function on the accession of new kings, and suppressing altogether those of the Crown of Aragon, along with its municipal system and all the other privileges in 1712–14, left very little room for classical constitutionalism, not to mention republicanism. Appropriately enough, the *Diccionario de Autoridades* included a new definition for *república*: 'Today it is said of the government of many, as distinct from the monarchical government' (*Diccionario* 1990: III, 586).

However, localism – the other face of the coin of Bourbon absolutism and centralism in Castile – was still in place, and it came to be seen by liberal authors as a feature of republicanism, a tenuous link with old traditions that were worth keeping in their non anti-monarchical programmes. While in 1788 the noted Valencian jurist Mariano Madramany y Calatayud looked back to the towns of the crown of Aragon after the Reconquest and compared

them to 'little republics, responsible for civil and military administration', the following year León del Arroyal wrote in his remarkable programme for a new constitution: 'We ought to consider Spain as a country composed of various confederated republics under the government and protection of its monarchs'. Those republics, though, were not exactly like the old corporate towns, but new provinces which were to channel new citizen participation from the localities (Casey 1999a: 116; Fernández Albaladejo 1990: 105, 108; Kagan 1995: 73). Similarly, Francisco Martínez Marina, the champion of the revival of the old Castilian liberties and Cortes during and after the liberal Spanish Cortes of 1812, advocated citizen participation in politics, municipal reform and national representation. While remaining firmly Christian, the ambivalences of his language allowed him to make the transition from old neoscholastic words to new democratic values, a transition made easier thanks to his having read Algernon Sidney, Rousseau, and other authors (Fernández Albaladejo 1996). Finally, the Catalan Antoni Capmany, living in a Catalonia that was experiencing intense economic growth, and the author of a lengthy historical study of the famed aptitude of medieval Catalans for trade (1792) as well as other writings promoting cultural reform, showed himself to be very much in tune with his age by rejecting traditional noble, warlike Spartan ethics, and drawing instead a direct link between commerce, virtue and progress (Grau and López 1979; Pardos, unpublished paper). New winds were blowing in Spain as new languages were spoken. But none of them was unprecedented.

The Idea of a Republican Constitution in Old Régime France

JOHNSON KENT WRIGHT

France first became a republic on 21 September 1792, by declaration of the newly elected Convention. How and when did that event become possible, in the nation whose political culture had sponsored a cult of royal authority like no other in early-modern Europe? It is sometimes suggested that republicanism had no foothold in France prior to the royal family's attempted flight from the Revolution, halted at Varennes in June of 1791 – as if this abortive contingency were alone capable of effecting so massive a shift of loyalties. In reality, of course, the advent of the First Republic was prepared by a long process of ideological contention in the eighteenth century, involving both the gradual delegitimisation of the monarchy and the slow domestication of once-alien republican ideas. What were the stages in this process? We are in a better position than ever before to grasp them, thanks in part to the transformation in our understanding of early-modern political thought wrought by J. G. A. Pocock's *Machiavellian Moment*. If his own conception of a post-Renaissance 'Atlantic republican tradition' was confined to the Anglophone world – to the surprise even of sympathetic critics (see Gilbert 1976: 308; and Shklar 1978) – scholars have in the meantime devoted a good deal of energy to bringing Pocock's perspectives to bear on the career of civic humanism in eighteenth-century and revolutionary France. Among many important contributions, standouts would include Luciano Guerci's marvellous study of the Enlightenment debate over the respective virtues of Sparta and Athens, from Rousseau to the eve of the Revolution – in effect, the background to Constant's famous theorisation of 'ancient' and 'modern' liberty; Keith Baker's essays from the eighties, collected in *Inventing the French Revolution*, which sketched portraits of classical republican thinkers such as Mably and Saige, and traced the fortunes of this political language in the early years of the Revolution; re-assessments of Rousseau's republicanism in the work of

Maurizio Viroli, Robert Wokler and Helena Rosenblatt; and, in the nineties, two different collections of essays, each addressing the origins of a specifically *modern*, as opposed to classical, French republicanism in the eighteenth century (see Guerci 1979, Baker 1990, Viroli 1988, Wokler 1995, Rosenblatt 1997, Furet and Ozouf (eds.) 1992 and Fontana (ed.) 1994).

The goal of the essay at hand is to draw on this work in order to sketch – very provisionally – a more synoptic account of the career of French republicanism in this period than has hitherto been available. A comprehensive survey is out of the question, for obvious reasons. Instead, we will focus on a single strand in this larger history, albeit a crucial one. As in every other political culture of early-modern Europe, the political thinkers and propagandists of Bourbon France struggled incessantly over the definition and nature of what were variously described as the ‘fundamental laws’ or ‘ancient constitution’ of the realm. In particular, the last years of Louis XIV saw the start of a protracted ideological contest between defenders and critics of Bourbon Absolutism, who promoted mutually exclusive interpretations of the legitimate constitution of the realm – the famous *thèse royale* and *thèse nobiliaire*. As we shall see, it was proponents of the latter who first introduced civic humanist ideas in the eighteenth century, starting a process whose climax came only decades later, with the Revolution itself. In effect, the debate over the ‘constitution’ of the Bourbon monarchy provided the context in which republicanism was gradually domesticated in France. At the same time, the character of this Gallic republicanism altered dramatically in the course of the century, as the aristocratic and classical elements of its initial statements gave way to the far more modern and bourgeois variants that took centre stage during the first years of the Revolution. Having surveyed this evolution, we will conclude by considering the place of republicanism, classical *and* modern, in the larger story of the ideological origins of the Revolution.

Where should an account of the origins of republicanism in France begin? No doubt a full history would have to start in the sixteenth century, when opposition to Absolutism in the epoch of its construction already appealed to civic humanist themes. The most famous text of the Huguenot resistance, Hotman’s *Francogallia* (1573), attacked royal ‘tyranny’ in the name of a traditional constitution explicitly described as a ‘mixed’ or ‘blended’ government, as expounded by Cicero and Polybius. Nor can it be irrelevant to our topic that the major defence of Absolutism of the age, a frontal assault on the very idea of the ‘mixed government’, appeared under the title *Les six livres de la république* (1576) – Bodin’s usage a reminder of the striking lability of

the very term, in a Romance setting. Nevertheless, if we must confine our attention to republicanism in the epoch of Absolutism's decline, rather than its construction, this focus has a certain logic to it. For the full maturity of the Absolutist state in the seventeenth century marked a kind of rupture in opposition traditions, driven underground or offstage by the blinding radiance of the régime of Louis XIV. For our purposes, it is necessary merely to recall two decisive features of that régime, involving institutions mediating between the monarchy and the ruling élites of France. One was the apparent extinction of the Estates General, the chief representative institution of the medieval monarchy, functional equivalent of the Iberian Cortes, the English Parliament, German Landtage, or Swedish Riksdag. Designed, like these, simultaneously to provide feudal monarchs with fiscal *auxilium* and aristocratic *consilium*, the Estates General not only survived but even flourished in the sixteenth century, as a necessary arm of absolutist advance. But with the religious wars behind it, the mature monarchy of the seventeenth century could now dispense with the Estates, which had in any case never acquired the authority and periodicity of, say, the English Parliament. The last early-modern convocation of the Estates General took place in 1614–15. By the end of the century, when the English Parliament had assumed sovereign control of the state, the Estates General had become a distant memory. At the same time, its disappearance only served to enhance the power and prestige of another set of institutions, not originally representative but judicial in their functions. However, in the course of their evolution under royal sponsorship, the elaborate network of high courts of appeal or *parlements* had acquired a set of 'rights' that together formed something like a system of judicial review of legislation – above all, the right to delay the activation of royal edicts until they had been properly 'registered' with the local *parlement*, and the right to present the court with *remonstrances* expressing local complaints and offering advice. Louis XIV mounted only one successful challenge to these prerogatives, requiring, after 1673, that remonstrances follow rather than precede registration. Under the control of an increasingly self-conscious élite, the *noblesse de robe*, the *parlements* were poised to enter into their period of maximum authority and prestige.

For the final years of Louis XIV had seen the start of an aristocratic reaction against his autocratic rule, which was decisive for the development of French political thought in the eighteenth century. Its immediate institutional fruits were the restoration of the *parlements'* traditional forms of remonstrance and registration, and the temporary replacement of the ministerial system by the direct rule of a junta of magnates, in the '*Polysynodie*'.

Intellectually, these measures had already found their justification in the writings of advocates of the peerage such as Fénelon and Saint-Simon. For our purposes, however, the most important expressions of aristocratic resistance came in the works of an inveterate critic of the peerage and *parlements* alike, both condemned for their collusion with Absolutism. This was the redoubtable comte Henri de Boulainvilliers, whose various historical writings constituted the opening moves in a battle that was to resonate throughout the century. Boulainvilliers's interpretation of the national past revolved, of course, around a scandalous thesis – that the ‘feudal government’ established by the Frankish nobility in the wake of their original conquest of Gaul was the only legitimate government of the realm, which was then gradually overthrown by a succession of usurping monarchs, who eventually established an unbridled and illegitimate ‘despotism’ in its stead. Often dismissed as an aristocratic or even racist reactionary, Boulainvilliers was clearly a classical republican, in all but name. His ‘feudal government’ was an aristocratic republic, in which an egalitarian citizenry (‘In the beginning, the French – *les français* – were all free and perfectly equal and independent’), drawing its sustenance from a subject labour force, exercised power through a sovereign assembly, electing both a smaller council and an executive monarch. Not only was this régime expressly assimilated to the great ‘mixed governments’ of antiquity, but Boulainvilliers also made clear his debt to English commonwealth thought, the likely proximate source and inspiration for his civic humanism.¹

Such was the earliest incarnation of republican values in eighteenth-century France – an assault on absolutist ‘despotism’ by way of the nostalgic evocation of the ‘ancient liberty’ of the French nobility. For all of its attractions, however, Boulainvilliers's appeal was naturally limited by the candour of his class commitments. For civic humanist themes to reach a wider audience, it was necessary to shed the ‘feudal’ disguise they wore in his works. There is no doubt as to who was responsible for the largest change in the fortunes of republicanism in eighteenth-century France – perhaps in the European world as a whole. As Judith Shklar once argued, ‘Montesquieu did for the latter half of the eighteenth century what Machiavelli had done for his century, he set the terms in which republicanism was to be discussed’ (Shklar 1990: 265). Among its many achievements, *De l'esprit des lois* provided Montesquieu's contemporaries with an authoritative definition and analysis of republican government, fixing its image for the age. Specifically,

1. For a recent study of Boulainvilliers's thought in its context, see Ellis 1988.

Montesquieu's sprawling masterpiece set forth a universal taxonomy of three 'forms of government', republican, monarchical and despotic, each animated by a single affective 'principle'. The 'nature' of these forms was determined by the location of sovereignty, at least as far as republics were concerned: 'republican government is that in which the people as a body, or only a part of the people, have sovereign power' (Montesquieu 1989: 10). Both kinds of republic, which Montesquieu termed 'democracy' and 'aristocracy', were in turn activated by the same 'principle' – *virtue*, or 'love of the republic', specified as 'love of equality' in the first, a 'spirit of moderation' in the second. Indeed, it was Montesquieu who did more than anyone else in the eighteenth century to fix the equation between republicanism and civic 'virtue'. This is not to say, of course, that Montesquieu was in any sense an *advocate* of republican government. On the contrary, the whole thrust of the analysis of forms of government in *De l'esprit des lois* – backed by Montesquieu's earlier account of the trajectory of Roman history in *Considérations sur les causes de la grandeur des Romains et de leur décadence* – was to suggest that republican government as such was largely a thing of the past. Best suited for the city-states of classical antiquity, republics had been rendered obsolete by the rise of large, commercially oriented monarchies in modern Europe, which were animated by a different 'principle' altogether, that of 'honour'.

This was not the last word on republicanism in *De l'esprit des lois*, however. For if the republic as such received a cool welcome from Montesquieu, what might be termed the *values* of civic humanism could be found suffused throughout his text. There was, for example, no more influential piece of political writing in the eighteenth century than his analysis of the English government in Book XI, famous, above all, for publicising the notion of the 'separation of powers' as a normative ideal. In point of fact, what the analysis offered was a complicated blending of a doctrine of separation with a theory of the 'mixed government', central token of early-modern civic humanism. Calling England the 'one nation in the world whose constitution has political liberty for its direct purpose', Montesquieu described a régime in which legislative power was divided between popular and aristocratic assemblies, and executive power was bestowed on a hereditary monarchy, with these 'powers' not so much 'separated' as intricately linked and overlapped. The author of *De l'esprit des lois* was, of course, as famously ambivalent about the English constitution – an anomaly outside of his formal typology, which he could elsewhere describe as a 'republic disguised as a monarchy' – as he was about republics proper. For the deepest polemical charge of the text, clearest indication of Montesquieu's political *parti pris*, lay in the portrait drawn of modern

monarchy in the first eight books of the text, and the contrast established between it and ‘despotic’ government. At the outset, the two are distinguished not by the location of sovereignty, but by the manner in which it is exercised: ‘monarchical government is that in which one alone governs, but by fixed and established laws; in despotic government, one alone, without law and without rule, draws everything along by his will and caprices’ (Montesquieu 1989: 10). In fact, however, the contrast with despotism runs deeper than that. For the very ‘nature’ of monarchy turns out to lie in a set of ‘intermediate, subordinate, and dependent powers’, which are firmly rooted in a social class (‘The most natural intermediate and subordinate power is that of the nobility. It enters, in a sense, into the essence of monarchy, whose fundamental maxim is, *no monarchy, no nobility: no nobility, no monarchy*’ – *ibid.*: 18) and in institutional structures (both clergy and *parlements* serving as ‘guardians’ of the ‘fundamental laws’ of the realm), utterly missing in despotic government. Montesquieu stopped short of assimilating modern monarchy to ‘mixed government’. But there is no doubt that a republican-style ‘mixture’, rooted in an Aristotelian political sociology, lay at the core of his conception of it. Little wonder, then, that *De l’esprit des lois* concluded with a set of inquiries into the earliest phases of French history, which together offered a version of the *thèse nobiliaire* very close to that of Boulainvilliers, moderated by Montesquieu’s lighter touch and more generous social sympathies.

De l’esprit des lois thus afforded a priceless publicity to republican ideas – offering a vivid portrait of republican government itself, even while casting doubt on its contemporary relevance; providing an unforgettable analysis of the libertarian English constitution, superimposing a ‘separation of powers’ doctrine and the traditional theory of the ‘mixed government’; and even hinting at a civic humanist theory of European monarchy as itself a kind of ‘mixed government’, at the antipodes from its menacing opposite number, ‘despotism’. The political context in which Montesquieu’s work was received, however, was vastly different from the one in which it was composed. For the relative political tranquillity that had prevailed under the skilful guidance of Fleury disappeared at mid-century. France was buffeted by one political storm after another in the three decades that followed, until the monarchy finally stumbled into the Revolution itself. The delegitimisation of Bourbon Absolutism proceeded along two axes. On the one hand, the fiscal pressure on the state caused by an unbroken series of martial failures now began to evolve into a permanent crisis, in which every effort to raise new taxes was met with increasingly intransigent protest on the part of the possessing classes.

On the other, the monarchy began to fall victim to ever greater political and ideological strife. Most serious of all was the contention unleashed by the court's persecution of Jansenism, the crypto-Protestant sectarian movement, blending Augustinian theology and conciliarist political theory, that appealed widely to the *noblesse de robe*, among others. These efforts provoked a series of bitter collisions between court and the various *parlements* throughout the 1750s and 1760s. The most striking result was the pronounced radicalisation of parliamentary discourse in this period, expressed in remonstrances, but also increasingly aimed at enlisting wider public support. Two novel claims appeared in this writing, which together had ominous implications for the monarchy: that the separate *parlements* in fact formed a single corporate entity, under the leadership of the Parlement of Paris; and that this entity functioned as the 'representative' of the French nation in its dealings with the court. After years of strife, the monarchy's response was a *coup de main*: in 1771, the chancellor Maupeou presided over a forcible restructuring of the *parlements*, stripping them of traditional privileges and dismissing recalcitrant personnel. These measures were, in turn, all rescinded at the accession of Louis XVI four years later. But the political equilibrium between the monarchy and a large section of the ruling élites of France had been permanently lost. Calls for a convocation of the long-moribund Estates General began to be heard with increasing frequency after 1771.

It was against this turbulent background that republicanism in France began to come of age, gradually shedding the disguises it had earlier assumed and increasingly appearing as a viable contemporary political programme. Confining our attention to major theorists and advocates of republicanism in the second half of the century, three stand out in particular. The thought of Jean-Jacques Rousseau might seem too familiar to require description or rehearsal here. In fact, as the path-breaking works of Viroli, Rosenblatt and Wokler suggest, it is only recently that the question of his relation to the traditions of early-modern republicanism have been broached by historians. There is more than one reason for this delay, but the chief seems to lie in the fact that Rousseau's thought stood at the crossroads of *both* the major political languages of his time, which he blended in a unique and unprecedented way. On the one hand, Rousseau was a major figure in the early-modern tradition of natural jurisprudence, engaged, like contemporaries such as Hume, Smith and Kant, in transforming its language in certain fundamental respects. If his first major work, the *Discours sur l'inégalité*, offered a profound critique of his predecessors in the tradition – Pufendorf, above all – Rousseau went on in *Du contrat social* to set forth a theory of political legitimacy in the

classic manner of the contract theorist: legitimate government was founded by conventions between individuals, involving the exchange of their subjective ‘natural rights’. Within this general framework, Rousseau’s decisive innovation was a conceptual one. Borrowing the notion of a ‘*volonté générale*’ from an arcane theological tradition, where it was used to describe the character of the divine will *vis-à-vis* creation, he redefined legitimate political authority as ‘the expression of the general will’ of the citizenry.² The upshot was the first *democratic* contract theory, equating political legitimacy with high levels of egalitarian participation in public decision-making. As such, it also posed sharply what would be the most crucial issue of all modern democratic practice, that of the ‘representation’ of the popular will. Rousseau’s own ambivalence in this respect is notorious: a withering attack in *Du contrat social* on the very idea of the ‘representation’ of sovereignty – aimed at claims made on the behalf of the English Parliament – did not prevent its author from recommending a wide variety of representative mechanisms, here and elsewhere in his writing.

Rousseau was more than a natural rights theorist, however. For his deployment of the concepts of a ‘state of nature’ and a ‘social contract’ was plainly made in the service of a set of aims and values drawn from the tradition of early-modern civic humanism. Rousseau’s entire body of political writing was animated by a normative ideal blending nostalgia for his native Geneva with profound admiration for the city-states of classical antiquity, Sparta and Rome above all. He made his *début* as a thinker with a passionate attack on the corrosive effects of the modern arts and sciences on public virtue and private morality, in the name of ‘Spartan’ simplicity and transparency. The conjectural history of the *Discours sur l’inégalité* rewrote the passage from nature to civilisation as a kind of Polybian nightmare, involving the eventual surrender of natural equality and liberty alike, as government evolved from the rule of the many, to the few, and then to the one of ‘despotism’. The escape-route plotted in *Du contrat social* amounted to the creation of a democratic republic, buttressed by ancillary measures inspired by classical example, intended to reduce social inequality and promote civic solidarity. Above all, the device of the ‘general will’ itself might be seen as the linchpin joining the two languages of Rousseau’s political thought. For it required not just that laws be ‘general’ in their application – a principle of equality before the law – but also in their *source*, which amounted to one of popular, participatory sovereignty. There was never any doubt about Rousseau’s

2. For the pre-history of the concept, see Riley 1986.

commitment to the value of self-determination at the individual level. The notion of the ‘general will’ is there to remind us that he believed, in harmony with the entire republican tradition, that there was an umbilical connection between individual and collective freedom.

Rousseau was without question the most original republican theorist of the age. Yet his status as a resident alien in France also meant that he operated at some distance from the local political scene. He made no contribution at all to the debate over the ‘fundamental laws’ of the French monarchy described above; his own exercises in practical constitutional theory were confined to the margins of the European world, far from the realities of Absolutism – Corsica and Poland. The case was altogether different for the second major advocate of republicanism in the second half of the century. Emerging from the provincial *noblesse de robe*, Gabriel Bonnot de Mably began as a political royalist, author of a strikingly unorthodox contribution to the debate over the French ‘constitution’. *Parallèle des Romains et des Français* (1740) offered a breathless apology for absolute monarchy and modern ‘commercial’ civilisation alike, by way of an extended comparison between ancient Rome and modern France. However, Mably’s political convictions soon underwent a dramatic and permanent reversal. By the early fifties, he had published philosophical histories of ancient Greece and Rome, in classic Machiavellian style, proclaiming the ‘mixed governments’ of the egalitarian city-states of Sparta and Rome to be the acme of human political achievement. In 1758, at the height of the collisions between *parlements* and court in France, Mably’s classical republicanism found an even more radical expression, focused precisely on contemporary events. *Des droits et des devoirs du citoyen*, a text that Mably prudently withheld from print, imagined a whispered conversation between an English Commonwealthman – a composite of Harrington and Sidney – and an eager French proselyte. In its course, the Englishman first expounds a classic resistance theory and defence of popular sovereignty, and then proceeds to sketch a scenario for a ‘*révolution ménagée*’ in France, in which parliamentary resistance would be used as a lever to secure a convocation of the Estates General, which would then be expected to preside over a transition from absolute to constitutional monarchy, itself conceived as a species of ‘mixed government’. By the end of the dialogue, the Mably’s Commonwealthman declares, with satisfaction, that his French friend has become ‘as proud and zealous a Republican as any I know of in England’ (Mably 1972: 212).

Mably’s prescience was remarkable, of course. Thirty years before the fact, he had predicted the course of the opening phases of the French Revolution. From here, he turned to his mature masterpiece, *Observations sur l’histoire*

de France, whose first volume was published in 1765. Mably brought a massive erudition to bear on a single purpose: ‘to describe the different forms of government that the French have obeyed since their establishment in Gaul, and to explain the causes for the lack of stability that has condemned them, through the centuries, to continual revolutions’ (Mably 1794–5: 121). The first form of government of France was the ‘true republic, in which the prince was only the first magistrate’, described by Tacitus – a form then perfected by Charlemagne:

By dividing authority and involving all the citizens in the government, he wished to divert their attention from their private interests alone. He hoped that the rivalry of the clergy, the nobility, and the people would force them to a mutual recognition, that they would balance one another in a kind of equilibrium; that each order would learn to fear and respect the others; and that by lowering their ambitions, each order would take up some common ideas of the public good, and so learn to work together. (*Ibid.*: 252–3)

But this ‘mixed government’ was not destined to last. The reduction of the peasantry to serfdom paved the way for the rise of ‘feudal government’ in France, which condemned the nation to several centuries of disorderly aristocratic tyranny. The disorder eventually disappeared, together with serfdom, with the transition to absolute monarchy – but at the price of submission to an increasingly corrupt and dissolute ‘despotism’. At the time of the publication of the first volume of his *Observations*, Mably was still buoyed by the political optimism of *Des droits et des devoirs du citoyen* – the belief that it was possible to rescue the nation from ‘despotism’ and to use the lever of the Estates General to restore a genuinely republican ‘mixed government’ in France. But this optimism evaporated, permanently, with Maupeou’s ‘coup’ against the *parlements* in 1771: in Mably’s eyes, any means for effecting a restoration of ‘liberty’ in France had now disappeared. He spent the remainder of his life – he died in 1785 – convinced that no other future was possible for French Absolutism than a repetition of the miserable ‘decadence’ that had overtaken the Spanish monarchy.³

Not all republicans in France shared Mably’s pessimism, however. Born two years before the publication of *De l’esprit des lois*, to a mercantile family in Bordeaux, Guillaume-Joseph Saige belonged to a different generation altogether. A lawyer by profession, Saige published, at twenty-four, a remarkable dialogue entitled *Caton, ou Entretien sur la liberté et les vertus*, which

3. For a recent intellectual biography of Mably, see Wright 1997.

united a Mably-style attack on luxury and vindication of Spartan simplicity with an express appeal to Rousseau's notion of the 'general will'. Five years later, Saige produced one of the most radical contributions to the enormous critical literature unleashed by the Maupeou 'coup'. The *Catéchisme du citoyen* began by outlining a contractual theory of political sovereignty that followed *Du contrat social* closely. Sovereignty, and therefore 'legislative power', adhered inalienably in the body of the citizenry as a whole. All governments exercise no more than 'executive power', always subject to change according to the will of the people: 'For there is nothing essential in the political body but the social contract and the exercise of the general will; apart from that, everything is absolutely contingent and depends, for its form as for its existence, on the supreme will of the nation, of which every civil power is an emanation' (Saige 1775: 12). From there, Saige turned to the case of the French constitution, following, in this instance, the trail blazed by Mably. The record of history revealed that sovereign legislative authority in France lay solely in the hands of the Estates General, the successor to the warrior assemblies of the Frankish invasions, which were re-invested with their proper authority by Charlemagne, before lapsing under the anarchy of 'feudal government'. *Executive* power, and only that, was shared between monarch and the *parlements*, the latter here treated as a single, political body, assigned the task of serving as 'repository of the acts of the general will'. This was not only to endorse the most radical claims made on behalf of the constitutional rôle of the *parlements* – whose most extravagant expression had come in the Jansenist ideologue Le Paige's *Lettres historiques* of 1753 – but to *appropriate* them, for what were essentially republican purposes.

Indeed, Saige's achievement thus far was to have united the perspectives of Rousseau, who had nothing to say about the French 'constitution' and who scorned the notion of a 'mixed government', and Mably, who had no use for the idea of a 'general will' – the theory of sovereignty of the first welded seamlessly to the second's interpretation of French political history. In the last part of *Catéchisme du citoyen*, Saige took a step beyond either, by considering the rights and privileges of the three social orders represented in the Estates. Naturally, all privilege, including the mere existence of a nobility, rested on a single foundation, the general will, as expressed by the assembly of the nation. What was most arresting of all, however, was Saige's treatment of the third order, which turned out to be more 'general' than the others, so to speak: 'The Third Estate, finding itself composed of the greatest part of the members of society, forms, properly speaking, the society itself;

and the two other orders must only be considered as particular associations, whose interests are, by the very constitution of the civil state, really subordinate to that of this numerous order' (Saige 1775: 55). As Keith Baker has suggested, this claim was only a hair's breadth away from the assertions of Sieyès's *Qu'est-ce que le Tiers Etat?* some fourteen years later, at the climax of the 'pre-Revolution'.⁴ At the same time, Saige also advanced a particular understanding of the Third Estate that was strikingly different from that of Sieyès:

The Third Estate is separated into different portions, each enjoying a legal existence absolutely independent from that of the others; these portions are called 'communes' or 'communities' and form so many little republics within the great republic of the French nation; thus one can say that the order of the clergy and that of the nobility are political bodies composed of individuals, whereas the Third Estate is a political body whose integral parts are other political bodies.

(Saige 1775: 56)

The upshot was a defence of the binding mandate, an *ancien régime* institution that was anathema to Sieyès. Indeed, Saige's analysis of the French constitution as a whole can be seen as a kind of 'republicanisation' of each of its traditional component parts, by means of the theory of the 'general will' supplied by his intellectual and political lodestar, Rousseau.

Such were some of the means by which republicanism came to be seen as a fully contemporary political programme in France in the second half of the century – if not yet, perhaps, a thoroughly 'modern' one. Rousseau and Mably remain the major classical republican thinkers of the period. If the contrasts between their thought can seem as striking as the convergences, the writing of Saige nevertheless shows that it was perfectly possible to bring their deepest concerns and concepts together, precisely on the terrain of the French 'constitution'. Theory was one thing, however – any move in the direction of republican practice required an historic opportunity, of just the kind that Mably had declared impossible after 1771. Slightly over a year after his death, the opportunity duly arrived, in the form of the impending state bankruptcy announced to Louis XVI in August 1786. The response devised by the Controller General, Calonne, was an epitome of two decades of 'enlightened' absolutist reform proposals: simultaneous rationalisation of the tax and customs structure, and liberalisation of the grain trade, in exchange

4. See Baker 1996. The above discussion of Saige is much indebted to this essay.

for the creation of a network of local and provincial assemblies, manned by elected landowners. From the first moves to enact this plan, however, the course of events proved to be uncannily similar to the revolutionary scenario expounded by Mably's Commonwealthman in *Des droits et des devoirs du citoyen*, some thirty years before. A hastily improvised 'Assembly of Notables', convened in February 1787, proved so uncooperative that Calonne himself was soon dismissed. When his successor, Loménie de Brienne, dismissed the Assembly itself and moved to impose reforms by force, the *parlements*, led by the Parlement of Paris, now assumed the role assigned to them in the writings of Mably and Saige. By July, the Parlement of Paris had already issued the first of its calls for a convocation of the Estates General. Its temporary exile to Troyes at the end of the summer proved fruitless for the monarchy, which then announced a thorough-going reform of the upper judiciary, *à la Maupeou*, in May 1788. This move unleashed a still more fierce assault on ministerial 'despotism' by the *parlements* and their sympathisers, who did not shrink from a resort to arms – serious rioting broke out in Rennes and Grenoble. With no end to its fiscal crisis in sight, and uncertain of the loyalty of its troops, the monarchy finally capitulated to the *parlements'* demands in August 1788, fixing a convocation of the Estates General for 1 May of the following year.

This restoration was the climax of nearly a century of aristocratic opposition to Bourbon Absolutism. But what precisely had been restored? The sheervariety of conceptions of the 'ancient constitution' proffered in so many decades of debate ensured that battle would be joined immediately over the *form* of the Estates General – indeed, the monarchy itself had invited historical research into the matter in July. The Parlement of Paris threw down the gauntlet by declaring, on 25 September, that the constitutionally correct model was that of its last meeting in 1614–15 – that is, with each of the three orders deliberating separately, and voting by order. 'Patriot' opinion, by contrast, had already converged on two central demands, the doubling of the numbers of the Third Estate, so as to equal the other two combined, and voting by head. The basic arguments for both were now crystallised in the work of a single mind, that of the Provençal priest Emmanuel-Joseph Sieyès. In a series of incandescent pamphlets published between August 1788 and February 1789 – above all, January's *Qu'est-ce que le Tiers Etat?* – Sieyès made the most brilliant case for the transformation of the Estates General into a genuine constituent assembly, under the leadership of the Third Estate. At the same time, he did so as the harbinger of a thoroughly *modern* republicanism, nurtured in the years since 1771, of a kind not seen before in the debates

over the 'constitution'. There is no doubt about Sieyès's commitment to a Rousseauist conception of political legitimacy, expressed in the most vivid of all theories of inalienable national sovereignty to emerge from the Revolution of 1789. Yet he brought to this theory a close, if critical, knowledge of the emergent discipline of political economy, in both its 'continental' (Physiocracy) and its Anglophone (Smith) forms – traditions of thought toward which Rousseau and Mably had been either indifferent, misinformed or hostile. This formation lay behind the most famous doctrines associated with Sieyès. On the one hand, the attack on 'aristocracy' launched in the *Essai sur les privilèges* and reaching its climax in *Qu'est-ce que le Tiers Etat?* was rooted, at least in part, in a specific theory of the division of labour, which precluded any distinct and useful social rôle for a hereditary aristocracy. On the other, Sieyès's vigorous advocacy of 'representative', as opposed to participatory, government depended no less on economic principle. For not only was 'representation' defended on the grounds of its feasibility – the size of modern states ruling out direct democracy in any case – but it was also the most efficient form, benefiting from the typical advantages of specialisation, as well as normatively superior, as a protector of individual and collective liberty.

At the end of *Qu'est-ce que le Tiers Etat?* Sieyès vetted the strategic options open to the Estates-General, once it met. One was for the Third Estate to secede from the others and form a 'national assembly' on its own; the other – the 'most frank and generous course of action' – was to engineer the abdication of the Estates in order to convene an 'extraordinary representation' of the nation, which would then act as a constituent assembly. The actual course of events of 1789 of course followed the first of these paths. The monarchy had in fact acceded to the doubling of the representatives of the Third Estate at the end of 1788, tabling the question of voting by head until the actual meeting of the Estates in May. It was then Sieyès himself who led the way in breaking the impasse that immediately developed over this issue. On 10 June, the Third Estate approved his motion that it should proceed to a verification of credentials alone; and it was on his motion that the Third adopted the title 'National Assembly' on 17 June, inviting members of the other orders to join it. On the other hand, the 'Tennis Court Oath' of 20 June – in which the Assembly asserted that it was 'called upon to fix the constitution of the realm, carry out regeneration of the public order, and maintain the true principles of monarchy', and vowed not to disband 'until the constitution of the realm is established and consolidated on a firm foundation' – was the work of Jean-Joseph Mounier, who had already distinguished himself in the 'pre-Revolution' as intellectual leader of the Dauphiné's revolt against ministerial

‘despotism’. Once the existence and authority of the National Assembly was secured by the events of late June and early July – essentially, the success of the municipal revolution in Paris – Sieyès and Mounier both found themselves elected to the first ‘Committee of the Constitution’ on 14 July. It was this committee, which soon broke into competing factions, that presided over the National Assembly’s initial steps toward ‘fixing’ the constitution of the realm. The decisions taken in late summer and autumn were decisive for the eventual character of the Constitution of 1791: we can conclude our survey by considering the two most momentous of these.⁵

A wide consensus had emerged in the course of the ‘pre-Revolution’, well-attested in the *Cahiers de doléances* of all three orders, in favour of beginning the work of ‘fixing’ the constitution with a declaration of rights, roughly on the model of those affixed to the American state constitutions. It was as the ‘Committee of the Constitution’ began to produce proposals for such a document, in late July and early August, that a rift appeared between what can be called, anachronistically, a political Right and Left – between moderates, such as Mounier and Lally-Tollendal, who already wished to ‘put an end to the Revolution’ by ‘restoring’ and ‘perfecting’ the ancient constitution of the monarchy, and radicals, including Sieyès, Le Chapelier and Talleyrand, willing to cut all ties with what was now beginning to be seen as a constitutional *ancien régime*. This cleavage, however, was not deep enough to prevent the actual adoption of a declaration of rights. Indeed, once the National Assembly itself – in effect, a committee of a thousand – took up the issue, beginning on 19 August, what is striking is the speed and facility with which it reached a fruitful compromise. This can be seen nowhere more clearly than in the specifically political provisions of the Declaration of the Rights, Articles 3, 6 and 16. Article 3, enshrining the concept of ‘national sovereignty’ (‘The source of all sovereignty resides essentially in the nation. No body, no individual can exercise authority that does not explicitly proceed from it’) was largely the work of Mounier and his associates, as the modulations of the principle – ‘source’ and ‘essentially’ – suggest. Article 6, on the other hand, appealing directly to the ‘general will’, modified to allow for the possibility of ‘representation’ *à la* Sieyès (‘The law is the expression of the general will. All citizens have the right to participate personally, or through their representatives, in its formation’), clearly came from the radical wing of the Assembly. As for Article 16 (‘A society in which the guarantee of rights is not secured, or

5. The account that follows is indebted to Baker 1990c.

the separation of powers not clearly established, has no constitution'), it appealed to both camps, among both of whom *some* conception of a 'separation of powers' had long since become a *sine qua non* of constitutional legitimacy. Of course, the mere presence of political and constitutional provisions in a declaration of rights has always been an affront to liberal sensibilities. As Marcel Gauchet suggests about the Declaration, 'If there is a particularity in its underlying intellectual economy, it is that of being unable properly to dissociate the private enjoyment from the public exercise of liberty, (Gauchet 1989: 201). Just so – what the political provisions of the Declaration of Rights of Man and of the Citizen reveal is the crystallisation of a specifically Gallic republicanism, focused precisely on three planks, national sovereignty, law as the expression of the general will, and the separation of powers.⁶

From the Declaration of Rights, approved on 26 August, the Assembly turned to the actual shape of the constitution. Over the next two weeks, the debate came to focus on two fundamental issues. Firstly, what form of legislature best met the demand that law express the 'general will'? And given that France would remain a monarchy, what was the precise role of the king? Here Mounier and his associates, coalescing briefly into a '*monarchien*' party, argued vigorously for a 'British' model, whose ultimate source was Montesquieu, suitably modernised in the writings of Blackstone, Delolme and John Adams. Legislative power would be divided between an elected Chamber of Representatives, drawn from all orders, and an Upper Chamber, composed of *ex officio* members and delegates elected by the clergy and nobility; the king would not only be in sole possession of executive power, but among his prerogatives would be an absolute veto over legislative acts. Three independent powers were needed, Lally-Tollendal explained, invoking the classic defence of the 'mixed government', because

a single power would necessarily end by devouring everything. Two would fight until one had crushed the other. But three will maintain one another in a perfect equilibrium if they are combined in such a way that when two struggle, the third, having an equal interest in preserving both of the others, will join the one that is oppressed in combating the oppressor to restore peace among all.

Anything less than an absolute legislative veto, added Mounier, would render the king 'nothing more than a subaltern magistrate or a simple general. The government would then be not monarchical but republican.' In point of fact, a bicameral division of legislative power had not the slightest chance of

6. For a more extended analysis of republicanism in the Declaration of Rights, see Wright 1994.

winning the Assembly's approval. An overwhelming consensus had long since converged on a 'Rousseauist' conception of unitary national sovereignty, most forcefully expressed in the writings of Sieyès; the overheated rhetorical atmosphere of 1788–9, with its withering attacks on 'aristocratic' privileges of every kind, merely sealed the decision. When the vote on a bicameral legislature came on 10 September, the choice was overwhelming: eighty-nine votes for, 849 against, with 122 abstentions.

By this point, the flash-point in debate had in any case shifted to the question of the royal veto, the last redoubt, as it were, of absolute monarchy itself. Not surprisingly, it was Sieyès who advanced the most powerful arguments against the veto, indeed, against any royal participation in legislative power at all, forbidden by the umbilical connection between election and representation at the core of his political theory. 'We must ask', Sieyès wrote, 'whether the possibility of forming the common will which will be the law can be entrusted to anyone other than men elected for a time by the people. The answer is evidently no: . . . In this precise sense, the king cannot therefore be a representative.' As Pasquale Pasquino has argued, Sieyès's views were consistently republican throughout the early years of the Revolution (Pasquino 1994). Indeed, in a sense *too* republican for the National Assembly. For in the end, of course, the Assembly shrank from erecting an impassable fire-wall between legislative and executive power. Its solution was to adopt the device of a royal 'suspensive' veto, permitting the king to delay the enactment of laws through two sittings of the legislature, during which time the laws were to recirculate to local elective assemblies. The measure was approved the day after the rejection of bicameralism, slightly less overwhelmingly – 673 votes for, 325 against, with eleven abstentions. In part, the 'suspensive veto' was an echo of the Old Régime practice of the binding mandate; and in part, it appealed to the sort of Rousseauist principles we have seen in operation in Saige. But it did not alter the fundamental nature of the constitutional régime that was to emerge from these decisions. With them, as François Furet once suggested, echoing Mounier, and, perhaps Montesquieu, Louis XVI had become 'the president of a republic calling itself a monarchy' (Furet 1992: 78).

Indeed, what is most striking, from the perspective advanced in this essay, are the republican roots of each of the constitutional 'platforms' considered by the National Assembly in August and September 1789. In effect, the *monarchien* programme amounted to the last bow of the 'mixed government', which had done so much service in the course of the century. With remote echoes from the Huguenot resistance of the sixteenth century, the notion had

resurfaced dramatically in Boulainvilliers's historical writings, which offered a vivid portrait of a lost 'feudal government' as Greek *polis* or Roman Republic. This vindication of the 'ancient liberty' of the French nobility was then taken up by Montesquieu, who welded notions of 'mixture' to the doctrine of the 'separation of powers', ensuring these ideas an extraordinarily wide diffusion in the political imaginary of the eighteenth century. Montesquieu always had a wider appeal abroad than he did in France, however. For there, the development of republicanism took a very different turn, as it was fashioned into a contemporary programme at the hands of Mably and Rousseau. The 'mixed government' in fact enjoyed an attenuated after-life in the writings of the former, who treated it as a kind of *pis-aller*, of great tactical utility in a monarchical setting. In Rousseau's republicanism, it disappeared altogether, incompatible with a theory of sovereignty as the expression of the 'general will'. If Mably served as the guiding spirit of the 'pre-Revolution', correctly grasping the mechanisms by which the defence of an 'ancient constitution' could be used as a lever to overturn Absolutism, Rousseau's thought was the chief inspiration for the republicanism that now filled the vacuum it left behind. At the start of the Revolution, French republicanism was still very much in the process of development, poised somewhere between its starting-point in Rousseau and Mably, still close to its classical roots, and the fully 'modern' variant presaged in these pages by Sieyès, whose great historical consummation was perhaps achieved only much later, in the political culture of the Third Republic. Little wonder, then, that the Constitution of 1791 proved to be less than perfectly stable – though it perhaps deserves a better press than it has customarily received at the hands of historians, revisionist and otherwise.

At all events, it is necessary to insist once more on the provisional nature of the brief account of republican ideas in eighteenth-century France sketched here. Our attention has been confined entirely to familiar figures from the upper reaches of intellectual and political life. A good deal remains to be learned about the precise paths and mechanisms by which their ideas reached wider, more popular audiences, especially in the crucial years between the Maupeou 'coup' and the onset of the 'pre-Revolution'. At the same time, it is also worth stressing that this account has been concerned chiefly with what might be termed the *pre*-history of French republicanism. For the real test of such a history would be to move on from here to the phenomenon of Jacobinism itself, an enterprise fraught with consequences for our understanding of the 'Atlantic republican tradition' as a whole.

Republicanism, Regicide and Republic: The English Experience

BLAIR WORDEN

Never has republicanism attracted so much interest among students of seventeenth-century England as in recent years, and never has so much confusion surrounded the word. Terms of ideological description are useful only if there is a common perception of their meaning or meanings. Here I shall examine the principal applications of the word 'republicanism' (or 'republican') to the period before and of the English civil wars, and test them against the ideas they are intended to describe. Secondly I shall ask how far those usages help us to understand the revolution of 1649 which brought the execution of king Charles I and the abolition of monarchy.

No single definition of republicanism can claim historical authenticity for itself. No one in or before the Puritan Revolution called himself or herself a republican. 'Republican' and 'republicanism' were terms of abuse and caricature. That does not necessarily make them useless to us. 'Puritanism' was a smear too, rejected by those to whom it was applied. Yet its usages corresponded, however indiscriminately, to a movement of belief at the centre of the civil wars for which we need a word and for which Puritanism, provided we know what we mean by it, is a good and perhaps the only one. Only the very loosest definitions of republicanism would award it a comparable centrality. Yet that word too, provided we know what we mean by it, has its purpose and perhaps even its necessity.

What do we mean by it? Essentially there have been two approaches, both of which make sense so long as the difference between them is remembered. The trouble has arisen when they have intertwined. The first approach, of which the most eminent exponent has been Quentin Skinner (Skinner 1998: 11, 22, 54-5), has been to use the term to describe commitment to kingless government. For brevity's sake that commitment – of which we shall meet more than one kind – can be called 'constitutional republicanism'.

The second approach, which concentrates on what for brevity's sake can be called 'civic republicanism', is adopted in J. G. A. Pocock's profoundly influential book *The Machiavellian Moment* (1975). In Pocock's account, early-modern England had a critical role in the development of 'the Atlantic republican tradition', which he traces from its classical roots, and then from the Italian Renaissance, to eighteenth-century America. He describes the emergence in England of a set of ideas about political action and civic virtue which had assumed their most influential form in the *Discourses* of Machiavelli. But the process of emergence was also one of substantial modification and adjustment. Pocock shows how, during the century or so before the civil wars, arguments which had been formed within and designed for Italian city-states were adapted in a country dominated politically by a monarchy and economically by rural landlords. He describes a monarchialised and gentrified Machiavellianism.

In Pocock's broad perspective the ground shared by Machiavelli's teaching and its Anglicised version is at least as significant as the differences. Pocock thinks of that ground as republican. He thus represents republicanism, as Skinner does not, as a part of the intellectual landscape of pre-civil-war England. But his application of the term to that period is sparing and discriminating. He does not confuse the thinking which he uses it to describe with the constitutional republicanism which came later, in the Interregnum. On the contrary he shows how ideas which in Italy had been identified with a commitment to non-monarchical rule became separated from that commitment in pre-war England. His account demonstrates that it was only in the 1650s, after the execution of the king, that the connection was reestablished.

In recent years the understandings of English republicanism expressed by Pocock and Skinner have both been judged too narrow. My own recent approach (Worden 1994b), which like Skinner's has viewed republicanism as a constitutional principle, has been found wanting on the same ground.¹ Here I shall concentrate on the two most distinguished studies whose authors have been concerned to apply the term more broadly: Markku Peltonen's *Classical Humanism and English Republicanism 1570–1640* (1995) and David Norbrook's *Writing the English Republic. Poetry, Rhetoric and Politics 1627–1660* (1999). Peltonen examines a number of pre-civil-war political treatises whose

1. I can hardly complain of that development, for I appear to bear some responsibility for it, having in my earlier writings on republicanism (esp. Worden 1981) deployed the term 'republicanism' with an intentional but, I now think, misguided looseness. Skinner too (1998: 11n.) has narrowed his definition of republicanism.

republicanism, he believes, has been missed. Norbrook makes a parallel case for works of imaginative literature. Both books are of substantial importance. Both authors demonstrate in rich detail the extent to which political thinking in pre-civil-war England was permeated by political ideas derived from the republics of antiquity and the Renaissance. Both bring home what in recent years some historians have seemed concerned to deny: the vitality and intensity of the political debates to which those ideas contributed. Yet in both cases the choice of the word 'republicanism' seems to distort the author's findings. Peltonen and Norbrook are alike impatient with the distinction, to which in various ways Pocock, Skinner and I have pointed, between the civic vocabulary voiced before the civil wars and the arguments for kingless rule deployed in the 1650s. In taking issue with either Peltonen or Norbrook there is a risk of unfairness, for both authors hedge their arguments with scrupulous qualifications. Yet at critical moments, rather than confronting the distinction, they seem to bypass or forget it.²

In the civic republicanism identified by Pocock in pre-civil-war England, Peltonen and Norbrook discern not a contrast with the constitutional republicanism of the 1650s but an anticipation or nascent form of it. Long before the 1650s, remarks Norbrook, there were 'many situations in which republican political practice was actively imagined' (Norbrook 1999: 12; see also Smith 1994, esp. ch. 6). Norbrook shows how much pre-civil-war adventurousness and sophistication of mind has been missed by historians of politics who overlook the evidence supplied by the literary imagination. Yet the capacity of a society steeped in classical thought and literature to imagine republican political practice – a capacity which no one who has encountered, say, Shakespeare's *Julius Caesar* or *Coriolanus* will doubt – is in itself hardly a matter for surprise. In Renaissance England all manner of things could be and were imagined. What we seek in vain is evidence that imaginative literature reflected or fostered a desire for republican rule. It was fully within the capacity of readers and audiences to enter imaginatively into worlds with political arrangements different from their own without inferring that such arrangements could or should be transplanted to their own time and place.

Some admiration for republican government there certainly was. Thomas More's *Utopia* (1516) imagines a classical and, at least in some respects, republican form of government. It appears to have been More's belief that, considered in the abstract, republican rule is better than monarchical rule. The same may be true of Philip Sidney and of Francis Bacon. All those writers

2. Other grounds of respectful disagreement with Norbrook's book are set out in my review of it in the *Times Literary Supplement*, 29 January 1999.

made plain, however, that such speculation was irrelevant to the political conditions of their own country (Woudhuysen and Norbrook (eds.) 1992: 80–2; Worden 1996, ch. 13 (cf. Worden 1994b: 15); Bacon 1857–74: VIII, 85). The authority of native constitutional law and custom, and perhaps too the corruption of human nature, at once proscribed and made pointless the pursuit of alternative or ideal models of rule. In pre-civil-war England the imaginative republicanism explored by Norbrook, and the language of constitutional and parliamentary debate, barely met. Political conflicts were conducted within a framework of thought which, while it permitted argument about the rightful powers of the monarchy, took the existence of that monarchy for granted. Constitutional innovation was feared, the imputation of it shunned. Of course, if the native constitution had broken down in pre-civil-war England, as it would do in the 1640s, a More or Sidney or Bacon might have turned to non-monarchical models of government for guidance, as writers of the Interregnum would do. Yet constitutional collapse was the dread, not the hope, of the class of lay intellectuals to which those writers belonged. Sidney, as adventurous a political thinker as Elizabethan England produced, saw the preservation of monarchy as essential to the avoidance of that horror.

Peltonen and Norbrook (whose arguments sometimes overlap but sometimes diverge) detect incipient republicanism on two pre-civil-war fronts. First, and the more prominently, there is the classical humanism of the Renaissance. Secondly there is constitutional theory.

Classical humanism, which inspired the recovery, translation and wide study of ancient and foreign political texts, was indeed a major strand in political thought and conduct in pre-civil-war England. It promoted the pursuit of virtue in public life. It encouraged the emulation of Roman ideals of public-spiritedness and *gravitas* and austerity. At the same time it was a spur to political analysis. It supplied the most compelling available evidence of those recurrent patterns of causation which historical inquiry was increasingly expected to disclose. It fostered habits of secular historical or political interpretation which broke through the sometimes simplistic moralising of Christian commentary. It encouraged an alertness to the contrasting characteristics of the various forms of government identified by classical writers: monarchical, aristocratic, democratic, mixed. It occasionally induced parallels (though for the most part they were superficial or metaphorical ones) between features of England's constitution and those of ancient or alien ones.

Those preoccupations produced at least as much praise of monarchs as criticism of them. The emperor Augustus, who ended the Roman republic,

had at least as many admirers in pre-civil-war England as he had critics. Even so, classical example did supply vantage-points from which shortcomings in present monarchical régimes were discerned. In particular it informed and sharpened anxieties about the apparent rise of absolute or arbitrary tendencies within the English monarchy. In the extinction of freedom under the Roman empire many modern parallels were discerned, but they were deployed to illustrate the evils of tyranny, not the virtues of kingless government. When the Roman republic was commended it was for the spirit of its liberty, not for its constitutional arrangements. Praise of that spirit was fully compatible with an acceptance of or respect for the principle of kingly rule. The pre-war discontent described by Peltonen and Norbrook was invariably directed towards the reform, and thus to the strengthening, of monarchy.³ In pre-civil-war England, the principle of monarchy enjoyed the hold that democracy enjoys today. We hear many complaints about the functioning of democracy, about the gap between practice and ideal, but the ideal itself is virtually exempt from criticism. In pre-civil-war England it was the abuse of monarchy, not the principle, that attracted complaint.

Certainly there were, in pre-civil-war England, many literary representations – some of them composed with an eye to present circumstances – of wicked tyrants. Yet those depictions played not on anti-monarchical sentiments but on the commitment of readers and audiences to the principle of virtuous kingship, against which tyranny offends (Worden 1999a, p. 165). Virtuous royal rule, everyone agreed, would be strong rule, partly because of the courage and energy and moral authority which virtue bestows (Worden 1996: 30–1), partly because a virtuous royal ruler, who governs in the interest of his people, will command their love and willing compliance. Two traditions fortified such thinking. First there was the ideal of the ‘godly prince’, raised above the church by the Reformation in order to master and reform it and to thwart its Catholic enemies within and without the land (Lamont 1969). Secondly there was Aristotle’s principle of distributive justice, which

3. The teleological drive induced by the search for pre-civil-war roots of constitutional republicanism seems sometimes to impair textual interpretation. Early seventeenth-century meditations on Roman history which are best understood as essays in self-education, or as exercises through which their authors sought to grasp the rules of political life or to learn to thrive within it, are too readily interpreted as manifestations of proto-republicanism (Norbrook 1999: 72, 73). Norbrook (pp. 24, 49) and Peltonen (p. 276) detect proto-republicanism in a poem of 1627 by Thomas May which identifies classical parallels to the third Earl of Pembroke. May’s lines echo a poem to Pembroke in the previous decade by Ben Jonson (Epigram 102), which, like May’s poem, uses Roman allusions to register dismay at the current political climate. Is there any stronger a case for detecting republican tendencies in May in the 1620s than in Jonson, that loyal servant of early-Stuart monarchy (Norbrook 1984, ch. 7), in the 1610s?

awards sovereign power to a man of sovereign virtue. Even in the wake of the regicide and of the abolition of monarchy, vigorous supporters of that revolution, among them John Milton and the prosecuting solicitor at Charles's trial, John Cook, found the thought of a powerful virtuous ruler, who would do good on the same epic scale on which Charles I had done evil, difficult where not impossible to resist (Worden 1990: 229; Cook 1652: 50–2).

Peltonen and (to a lesser extent) Norbrook detect proto-republicanism in a number of pre-civil-war values and principles which had flourished in classical antiquity and which those authors evidently regard, *pace* Pocock, as linked to or foreshadowing constitutional republicanism. Yet ideas which had prospered under foreign republican rule had also circulated within native and monarchical settings. Peltonen's *Classical Humanism and Republicanism*, I believe, represents too much that is at least half-English and half-medieval as classical and humanist, and too much that is humanist as republican. He stresses the pre-war influence of the Roman idea that true nobility lies in virtue. Yet that notion was also a native commonplace, one insisted on as much by friends as by critics of the royal prerogative (e.g. Worden 1999b: 155). Then there is the principle of commitment to the public good rather than to private interest. That was a commonplace too. If critics of early Stuart rule complained that the crown was swayed by advisers who placed their own advancement before the realm's, the crown and its apologists themselves maintained that its critics aimed at a factious oligarchy that would despoil the common weal (e.g. Worden 1994a: 82).

Other pre-civil-war concepts may owe a clearer debt to foreign republicanism: the ideals of the active life, of political and civic participation, of the arms-bearing citizen. Yet here too there were native and monarchical traditions of thought. Within them the merits of the active and contemplative life had been debated; within them Cicero's philosophy of active virtue had been adapted to monarchist assumptions; within them the courage and hardiness of the native soldiery had been connected to the free traditions of the English monarchy (Fortescue 1997: 108–9). Sometimes, it is true, the ideal of the arms-bearing citizen is plainly Machiavellian in inspiration. Nowhere is it more plainly so than in a work extensively described by Peltonen, Richard Beacon's tract of 1594 *Solon His Folly*, which offered advice to Elizabeth on the government of Ireland (Peltonen 1995: 75 ff.). Yet Beacon's aim, on Peltonen's own showing, was not to undermine the English monarchy but to fortify it.

We should beware too of confusing the participatory features of pre-civil-war English public and communal life, which historians have been

increasingly successful in recovering, with constitutional republicanism. In a seminal essay Patrick Collinson (who made no such mistake) has wrought a confusion surely far removed from his intention by referring to ‘quasi-republican modes of political representation and action’ in the reign of Elizabeth I (Collinson 1994: 18). That phrase has reverberated (Peltonen 1995: 6; Skinner 1998: 11; Norbrook 1999: 12). Sean Kelsey is inspired by it to declare that ‘quasi-republicanism’ was ‘already part and parcel of English political life’, rooted in English ‘hearts and minds’, long before the introduction of republican rule in 1649, an event which merely adjusted governmental forms to meet entrenched mental habits (Kelsey 1997: 206, 214). His statements are hard to square with the monarchist language, overwhelmingly deferential in tone, of pre-war political discussion, and with the obstacles that confronted anyone seeking to breach or bypass that language during the war itself. If England was a semi-republic before the civil wars, the aspirations of Charles I ought to have been checked easily enough.

The second front on which Peltonen and Norbrook detect proto-republicanism is constitutional theory. In demands for the rule of law rather than of royal will, in pleas for constitutional reform, or in endorsements of mixed or limited monarchy, they see steps towards constitutional republicanism. Yet here too there were native and medieval ideas, which were directed to the regulation and preservation of the ancient constitution. There was nothing inherently anti-monarchical about pleas for the rule of law. Charles I at his trial, no less than his prosecutors, claimed to stand for the rule of law against the tyrannical exercise of will. Even on the parliamentary side of the Puritan Revolution, constitutional republicanism was but one of the causes for which the principle of the rule of law was claimed. Again, England had its own conception of mixed and limited monarchy, which Sir John Fortescue had articulated in the fifteenth century. Only in the 1650s would that principle be transformed, by James Harrington, from one of constitutional preservation to one of constitutional innovation (Fukuda 1997).

If Peltonen and Norbrook reach for the term ‘republicanism’ too readily, they are models of restraint beside other interpreters. Colleagues of Norbrook in literary studies – even some who have written illuminatingly on the political content of pre-civil-war literature (see e.g. Lever 1980: 61; Tricomi 1989: 65, 69, 77, 92, 150, 154, 155, 163) – seem ready to describe any criticism of absolutism or tyranny as republicanism. Historians too can be free with the term. Richard Tuck describes the rule of the Commonwealth from 1649 to 1653 as the outcome of a ‘true republicanism’ which had been ‘present’ in England ‘from a surprisingly early date and among a surprisingly

wide range of people'. That republicanism, he attests, consisted of a demand for aristocratic government 'in which a monarch is only at best a chairman of a board of oligarchs' (Tuck 1993: 204, 222).⁴ Yet oligarchy, far from being an aim of pre-civil-war thought, was, along with tyranny and anarchy, its abiding fear.

The historian John Guy, normally an acute analyst of pre-civil-war politics, offers (in an aside) a judgment comparable to Tuck's. He describes as 'aristocratic republicanism *par excellence*' some proposals for interim conciliar rule which, in the reign of Queen Elizabeth, had been drawn up by her leading adviser Lord Burghley and others in order to prevent that plunge into civil war which the queen's failure to resolve the royal succession seemed likely to cause on her death (Guy 1995b: 302). In some quarters Elizabeth's omission seemed a mark of irresponsible government, even a reminder of 'the great dissipation monarchal governments are subject unto' (Worden 1996: 209, 224–5). But Burghley's solution was framed to overcome a crisis in the preservation of monarchy, not to introduce a republic. It is true that, recognising that the hereditary system of succession had in this case broken down, he proposed a temporary resort to an elective system, but as an expedient, not as a principle.

To Peltonen (p. 309) the conviction that rulers should be elected rather than hereditary is 'the central notion of republicanism'. Norbrook too (p. 17) takes opposition to hereditary rule to be an obvious indicator of republicanism. Yet before the civil wars it belonged, no less than the concepts of mixed and limited government did, to a framework of monarchist thinking, which recognised an elective (or at least a contractual) element in the oath taken by England's rulers at their coronation (Husbands (ed.) 1642: 266–9; Ludlow 1978: 147–8; cf. *OPH* 1762–3: xviii, 234; Cook 1649: 17–18). In 1649, it is true, the argument that Charles had come to the throne by election was used against him by his prosecutors (Cromwell 1937–47: 1, 738). But the purpose of that claim was not to advance the cause of constitutional republicanism. It was to emphasise the gap between Charles's misrule and true kingship.

How was it, then, that a republic came to be established in England in 1649? How did the Long Parliament, which would have found the abolition of monarchy inconceivable in 1640–2 (the years preceding the war), perhaps

4. Tuck's description of the rule of the Commonwealth as 'aristocratic' does conform to the perception of some of its supporters (Cook 1652, sig. A4 and p. 2; Worden 1994b: 416–17), but the perception was not significantly developed. It was in tension with a strain in the government's thinking (for the most part an equally tentative one) which can be described as anti-aristocratic: *OPH*: xix, 73–5; Worden 1994b: 64–8.

even in 1646 (when the war ended), come to abolish it? The explanation lies largely in the territory of events rather than ideas. Among most of the politicians responsible for the revolution of 1649, political theory was a low priority. It lagged behind the passions and the practical challenges generated by a conflict which had convulsed and transformed the political landscape and which had confronted its participants with choices unimaginable before it.

At the end of the civil war, while there was some opinion in favour of bringing the king to justice (Barber 1998: 45; cf. Ludlow 1978: 142, 143), most Roundheads assumed that he would be restored. The arguments among them concerned the terms of his restoration. A number of pressures undermined the peace process: the intensification of divisions on the Roundhead side, which culminated in the military purge of parliament in December 1648; the growing proof of Charles's untrustworthiness in negotiation; the revival of royalist sentiment in the provinces and the consequent sense of beleaguement among the most militant Roundheads.

Ideas, however, did play their part. Should they be called republican? Not, surely, in Pocock's sense. Unless on their very periphery, the pronouncements of those who urged and carried out the regicide, and who then carried out the abolition of monarchy, are free of the language of civic republicanism. That language would be used afterwards, by some of the propagandists for the régime which had replaced Charles, but that is another matter. But what of constitutional republicanism? There is a respectable case for applying that term to the revolution of 1649. Yet there are hazards in doing so. For one thing there is the risk of conflating two sets of arguments. First there were those adduced to warrant the regicide of January 1649. Secondly there were those which favoured the abolition of monarchy, the feat effected in the following months. The second event did not follow automatically from the first. The revolutionaries of 1649, or at least the overwhelming majority of them, did not execute the king in order to change the constitution. Rather their determination to execute the king swept constitutional calculation aside. The abolition of monarchy was not a motive for the regicide but a practical consequence of it. There is another hazard too. Even when we come to the introduction of the republic, we find that the term 'republicanism' can give a misleading impression of the aims and priorities of the actors.

Kings had been deposed or killed before in English history. They had been replaced by other kings. The question how England was to be governed after Charles's removal was properly confronted only after the regicide. In May 1649, four months after the king's death, parliament passed an act declaring 'the people of England' to be a 'Commonwealth and Free State', which was henceforth to be governed 'without any king or house of Lords' (Gardiner

(ed.) 1958: 338). Behind that curtly worded legislation there lay a troubled and hesitant process of decision-making.

The process is first visible in November 1648, when the council of officers of the New Model Army committed itself to the trial of the king and his removal from the throne. The officers' target was Charles, not kingship. Their attitude to him was inspired partly by fear, partly by a sense of providential mission. The officers championed religious liberty and, to a lesser extent, social reform. In 1647 they had offered to restore the king on generous terms in return for them. In 1648 the second civil war, which showed the extent of support for the king in the nation, convinced the army leaders that their programme could never be achieved, or their own security won, while he remained alive. At the same time the army's victories of 1648 fortified its sense of itself as God's chosen instrument, entitled by divine favour to cast constitutional rules aside. The two sides in the civil war had appealed to God, whose judgment, made plain in the outcome of the conflict, had declared against a wicked king. Charles, decided the army, was a man of blood, a traitor and murderer who had declared war on his people and ravaged them. Now biblical injunction demanded the purging of the land, by judicial vengeance, of the blood which had been shed in it (Barber 1998, ch. 4).

That obligation offered no guidance to the question how the rule of Charles should be replaced. To Oliver Cromwell and to his principal ally in the army, Henry Ireton, forms of government were secondary issues, 'but dross and dung', as Cromwell put it, 'in comparison of Christ' (Woodhouse (ed.) 1938: 50, 57, 97). That sentiment, it is true, induced a flexibility that must be reckoned among the factors that made the establishment of a republic possible. In the eyes of Cromwell and his friends, monarchy, aristocracy and democracy were all open for consideration, each to be adopted or rejected 'as providence should direct'.⁵ Yet if providentialism forbade the ruling out of constitutional republicanism, it no less firmly refused to rule it in. The very sense of providential mission that produced the officers' switch from conciliatory monarchism in 1647 to the regicide in 1649 discouraged them from anticipating the constitutional problems that would follow the king's death. Providentialism decreed against political planning (Worden 1985: 92–3). 'Care we not for tomorrow, not for anything!' expostulated Cromwell as the crisis of the regicide approached (Cromwell 1937–47: 1, 644). God's servants, believed Cromwell and his followers, must wait upon the divine will.

5. Ludlow 1894: 1, 184–5. There is likely to have been far more about the providentialism of Charles's judges in Ludlow's account than in the doctored version of it which survives: below, n. 6.

Cromwell himself, though swayed against kingship in the aftermath of the regicide (Worden 1994b: 55), soon reverted to his usual preference for 'a settlement with somewhat of monarchical in it' (Cromwell 1937-47: II, 507). That preference, we shall see, was not uniformly shared by the revolutionaries of 1649. Yet if there were politicians who, during the proceedings against Charles I, hoped to introduce a republic once he was dead, then those who held that ambition, at most a small minority, were at that time easily thwarted. The justifications of the king's death breathe not a hint of constitutional republicanism. Charles, his prosecutors agreed, had been entrusted with limited powers by the subjects who had made him king. By aiming at absolutism, and then by making war on his people, he had become not a king but a tyrant. The prosecution's case for tyrannicide was developed within the language and assumptions of medieval monarchical constitutionalism, and was supported by reference to the medieval texts which were held to have encapsulated it (Cook 1649: 6-8; cf. Ludlow 1978: 204-5, Sadler 1649).

How then did arguments for the termination of monarchy emerge? Again there is a distinction to be borne in mind. There are the arguments for the abolition of kingship in 1649; and there are the arguments advanced for republican rule in the years which followed. In the latter category the best known are those of James Harrington, whose *Oceana* of 1656 called for fresh constitutional architecture to replace what he judged to have become an anachronistic and unworkable monarchical system (Harrington 1977). Harrington saw the nations of the world, past and present, as being of two kinds: monarchies and republics (or commonwealths, or free states). He condemned the first and praised the second. The destroyers of monarchy in 1649 did not think in those terms. They were barely interested in categories of government. Fleeting, it is true, they did remark, in the parliamentary declaration of March 1649 explaining the abolition of kingship, that other nations had profited by abolishing it (*OPH* 1762-3: XIX, 72-3; Cromwell 1937-47: II, 506). Some advocates of the regicide, John Milton among them, may have seen in Charles's removal an opportunity for fresh constitutional design on classical lines (Worden 1990: 233-5). But in the winter of 1648-9 that aspiration, if it existed, was eccentric. No one spoke for it in print.

Rather than seeking to introduce a new form or category of government, the removers of kingship merely eliminated those features of the old constitution against which they had turned or which had got in their way. Kingship was eliminated; the House of Lords was eliminated; and the purged Commons - the Rump - assumed sovereign power, which it held until Cromwell's soldiers expelled it in 1653. The claim of the Rump to unicameral

rule did not find its justification in the superiority of non-monarchical forms of government. It found it in the principles of parliamentary representation and parliamentary sovereignty: principles whose spokesmen, under the pressure of events, stumbled into a repudiation of kingship. The representative function of the House of Commons had been invoked by parliament as a ground for fighting the civil war. It was not, at that time, a doctrine meant to eliminate either kingship or the House of Lords. It joined other principles – government by consent, the contractual basis of political authority – which were invoked with the aim of regulating the existing constitution. Yet in the late 1640s, like those principles, it was developed, particularly by the Levellers, in directions which horrified their earlier exponents.

One consequence was the controversy over the proper extent of the parliamentary franchise and over the distribution of parliamentary constituencies. Another was the claim that the members of the Commons were accountable to their constituents, on whose fundamental rights they had no authority to intrude (Gardiner (ed.) 1958: 334–5). No less urgent, however, were the questions raised by the Levellers about the relationship between the Commons and the other two estates, king and Lords. The ancient principle that parliament contained a representative estate was transformed into the argument that representation was the only legitimate basis of political authority. Before setting up the regicide court, the Rump declared, on 4 January 1649, that ‘the people are, under God, the original of all just power’; that the people’s representatives in the Commons ‘have the supreme power in this nation’; and that the Commons was thus entitled to legislate without the concurrence of the other two estates (*Journal of the House of Commons*, 4 Jan. 1649). Those statements of principle met a practical need. Though they were advanced in order to justify the trial of the king, their immediate target was not the crown, which after all had been excluded from the legislative process since 1642, but the House of Lords, whose legislative role would have to be removed if the measure setting up the regicide court were to be pushed through. The trial was opposed by an overwhelming majority of the upper house, which could now scarcely summon a quorum of its members. After the Commons’ declaration of 4 January the Lords was simply bypassed. In the wake of the regicide, monarchy and Lords were abolished together. They were removed, not as being incompatible with a particular form of government, but as being enemies to the people’s interests.

We need to register that distinction if we are to enter the minds of the revolutionaries of 1649. As the writing of Henry Parker or John Locke or even John Milton reminds us, doctrines of popular or parliamentary sovereignty in

the seventeenth century were not inherently republican. A sovereign people, it was widely argued, was entitled to establish whatever form of government it chose, monarchical or non-monarchical (cf. Milton 1953–82: III, 206–7). A sovereign parliament might entrust extensive powers to a king. The first parliament of Cromwell’s protectorate, which met in 1654 and consisted mainly of men who had opposed, if not been outraged by, the abolition of monarchy, demanded that Cromwell, now a semi-king, accept parliamentary sovereignty as the basis of his rule. As during the Elizabethan succession crisis, so in the Puritan Revolution, emergencies raised the question where authority ultimately resided, and produced the answer that it lay in the people or in their representatives. It was only in the circumstances of 1649, when the purged House of Commons was the sole power left in being and could survive only by remaining so, that that answer produced an insistence on kingless rule.

Before 1649 few people argued for kingless rule. From the end of the first civil war in 1646, it is true, sentiments in favour of it are occasionally visible. Some pro-parliamentary publications carried hints, albeit momentary ones, about the virtues of the republican constitutions of classical antiquity and modern Europe (Worden 1995b: 315–17; Norbrook 1999: 148; *OPH* 1762–3: XIX, 72–3). There was a small number of MPs, among them Henry Marten, Thomas Chaloner and perhaps Edmund Ludlow, who were prepared to represent the institution of monarchy as the enemy of the people.⁶ Anti-monarchism developed outside parliament too. In 1647 some of the Levellers were ready – though others were not (Woodhouse (ed.) 1938: 55, 61, 102) – to renounce kingship. They complained of ‘the intolerable inconvenience of having a kingly government’ and claimed that God had declared against kingship (Worden 1994b: 54; Woodhouse (ed.) 1938: 103, 114). Yet that position was short-lived. It had been developed in opposition to the aim of the army officers to restore the king on generous terms. What had been the point of the cost and bloodshed of the civil war, asked the Levellers, if Charles’s powers were to survive them and if his transgressions were to

6. Interpretation of the evidence that in 1647–8 Ludlow believed monarchy to be ‘neither good in itself, nor for us’ (Ludlow 1894: I, 166, 185) must allow for hindsight and, still more, for the unscrupulous doctoring of his autobiography, in the cause of constitutional republicanism, by a late-seventeenth-century editor (Ludlow 1978; Worden 2001). The statement (Ludlow 1894: I, 212) that ‘the Commonwealthsmen’ wanted agreement on ‘what government to establish’ before consenting to the king’s trial seems likely to have referred, in its original form, not to a demand for a republican form of government but to the Leveller pressure for the implementation of an Agreement of the People (cf. Worden 1977: 75–6). Chaloner, for his part, seems to have been readier to demand the subordination of the monarchy to the people’s will than its abolition (Barber 1998: 16, 39).

remain unpunished? But in 1648, when the officers renounced negotiation with the king and moved towards the regicide, the Levellers came to see in the preservation of kingship a welcome counterweight to the officers' appetite for power (Worden 1994b: 54; Barber 1998: 55).

In the preparation of the intellectual ground for the revolution of 1649, it was nonetheless the Levellers who took the lead. In 1647 they developed the claims of popular sovereignty into that radical form which would be taken up by the officers, and then by the Rump, in the winter of 1648–9. It was the officers themselves who provoked the Leveller initiative of 1647 by proposing to restore to the king the power of veto (the 'negative voice') which he had lost in 1642. In 1642 parliament had claimed the right to bypass the royal veto in an emergency (Husbands (ed.) 1642: 266–9; cf. Ludlow 1978: 147–8, *OPH* 1762–3: xviii, 234, Cook 1649: 17–18). In 1647 the Levellers wanted to abolish it on principle. They also demanded, as in 1642 it would not have occurred to the Commons to do, an end to the Lords' power of legislative veto. The people's representatives would thus enjoy a legislative monopoly. Their sovereignty, in the Levellers' scheme, would assert itself in other ways too. The principal functions of the executive, including the making of war and peace and the appointment and supervision of office-holders, would be subordinate to the sovereign legislature (Gardiner (ed.) 1958: 334).

In the autumn of 1647, at Putney, the army leaders made some concessions to the Leveller position (Woodhouse (ed.) 1938: 95 ff.). By November 1648, when they explained their intentions to the kingdom, they had broadly accepted it (*OPH* 1762–3: xviii, 233). Yet the army did not urge the abolition of kingship. Even the Leveller *Agreement of the People* of November 1647, the boldest and clearest of the military demands for the supremacy of the people's representatives, allowed for the involvement of another 'person', who presumably would act as the executive arm of government (Gardiner (ed.) 1958: 334).⁷ For their part the officers seem to have believed – somewhat hazily – that, if the people had rights, so did the king (Woodhouse (ed.) 1938: 123, 408; cf. *OPH* 1762–3: xviii, 176). Besides, the officers were wary of the imputation of 'sin' or 'scandal' that would attend the destruction of the ancient constitution by military force (Woodhouse (ed.) 1938: 106–7). In November 1648 they described the forthcoming proceedings against the king as 'a desperate cure in a desperate case', which would be followed by a return to more conventional procedures. They proposed, not that kingship be abolished, but that Charles I be replaced by another king. On one

7. See too Jubbes n.d.: 11, with which cf. Woodhouse (ed.) 1938: 100 and Barber 1998: 154.

reading, their wording did tentatively and fleetingly acknowledge the possibility that no generally acceptable candidate for the throne would be found, and that kingship might therefore lapse. But the officers did not indicate any enthusiasm for that prospect or explain how such a crisis would be met.⁸

Certainly the officers suggested, as the Levellers had done, that the powers of any new king would be firmly restricted. He would be a 'chief officer' or 'public officer' (Worden 1994b: 55; cf. *ibid.*: 58). His task, evidently, would be to execute such tasks as the sovereign legislature chose to allot him. But a king whose constitutional powers were limited would not necessarily be a weak or unimpressive ruler. The old awe of kingship persisted among some of Charles's bitterest critics. The feeling that a king, if only his character were well-formed and his power properly directed, might provide incomparable wisdom and leadership – particularly perhaps in the conduct of foreign policy – ran deep (Cook 1649: 9, 1652: 53).

But if, in the winter of 1648–9, a king were to succeed Charles I, who would he be? In November 1648, a little more than a fortnight before the purge of parliament, the officers confronted that question. They do not seem, in their search for an heir, to have looked beyond the Stuart family. The king's eldest son, the future Charles II, was ruled out (cf. Ludlow 1894: I, 217). Indeed there were thoughts of trying him, along with his father, for war crimes. Instead – in a proposal which seems to have been missed by historians, as, consequently, has its dramatic irony – the officers indicated that the king's second son, the duke of York, the future James II, should be installed, on condition that he first renounce the Cavalier cause. For seven years he would be denied courtly pomp, to help pay war reparations, but thereafter, evidently, he would acquire it. After the purge the officers switched their choice from James to his young brother Henry duke of Gloucester (Underdown 1971: 183). Both proposals died, perhaps because anger at the Stuart house ran too deep in the army and among its civilian allies, perhaps because those men realised how little chance there was that the princes' family and friends would agree to them, perhaps because the momentum of events and of providential zeal prohibited the spirit and complexities of compromise. In 1688, when James II was deposed, an acceptable alternative, within the Stuart family but opposed to Stuart policies, was available. Had there been such a candidate forty years earlier, Charles I would surely have been replaced not by a republic but by another monarch.

8. *OPH* 1762–3: xviii, 163–4, 228–30; cf. Gardiner (ed.) 1958: 373 (on Prince Charles).

While Charles remained alive, neither the army officers nor the Rump proposed the abolition of kingship. Without a monarch, however, there could be no monarchy. After Charles's execution on 30 January the lengthy constitutional deliberations of the new régime began. They were plagued by profound and bitter divisions (Whitelocke 1853: II, 554, 557). Parliament did decide in principle, a week after the regicide, to abolish the monarchy and the Lords, but remained uncertain on what terms to renounce them. Though the nation which the Rump professed to represent was informed, on 10 February, that the Commons had 'resolved' on 'alterations touching kings and House of Lords' (Cromartie 1995: 59), the nature of the alterations was not explained. Nearly six more weeks elapsed before the acts abolishing kingship and Lords were passed and published, and a further two months before parliament decided and declared how kingship would be replaced. On the deaths of previous monarchs, the royal successor had been urgently and immediately proclaimed. The Rump, forced to define its grounds for precluding a royal successor, dithered and delayed. The line between regicide and constitutional republicanism proved hard to cross. In parliament's legislation, and in the declarations that accompanied them, awkward questions received ambiguous or conflicting answers. Charles I, it was agreed, had been among the worst of England's kings. But was his tyranny a departure from a healthy kingly norm? Or did it illustrate dangers inherent in kingship? Was it perhaps the continuation of a process of 'encroachment' on the subjects' liberties which had been begun – it was not said when – by his predecessors? Were kings indeed 'usually and naturally' tyrannical, lured by the lust of power and by self-interest to impose their will where law ought to prevail?⁹ Those who condemned Charles I liked to invoke 1 Samuel 8, which records the folly of the Israelites in subjecting themselves to kingship. But there was uncertainty whether that text condemned the institution of monarchy or merely a tyrannical form of it (Ludlow 1894: I, 184–5; Cook 1649: 8–9; Milton 1953–82: III, 207).

There was no less uncertainty about England's constitutional future. Within the Rump – to whose judgment, at least outwardly, the army had submitted itself – there seem to have been two competing impulses. The bolder spirits, led by Henry Marten, maintained that, because kings normally rule in opposition to the people's interests, those interests required the abolition of kingship. In 1643 Marten had been sent to the Tower, by a unanimous vote of the Commons, for questioning, at least implicitly, the

9. Those various positions, and compromises among them, can be found in: Barber 1998: 46, 131; *OPH* 1762–3: xviii, 191, 489, xix, 75–6; Gardiner (ed.) 1958: 385; Milton 1953–82: III, 212.

necessity of kingship. Now the collapse of the ancient constitution, and the practical obstacles to its reconstruction, played into his hands. The people, he claimed, were entitled to abolish monarchy because, Charles having broken the trust they had placed in him, power had reverted to them, and with it the right to establish whatever form of government they wished. The people's representatives should therefore declare England a 'republic' or else a 'Commonwealth and Free State'. In May 1649 that view eventually prevailed.¹⁰ Yet the act which implemented it carried no preamble to explain its justification or purpose. Such silence was always a sign of division and discomfort within the purged parliament.

For alongside Marten and his friends more cautious spirits were at work. Two months earlier, in March, the Commons passed an act which defined the constitutional identity of the new régime in different terms. At that stage nothing was said about the introduction of a republic or commonwealth. The act put an end to kingship: it did not say how it would be replaced (which is why the act of May 1649 announcing the introduction of a 'Commonwealth and Free State' was necessary). The measure of March was pushed through in a thinly attended house from which most of the more cautious members of the new régime had absented themselves (Worden 1977: 173, 187–8). Even so, the termination of kingship was couched in qualification and uncertainty. The act declared that 'the office of king in this nation, and to have the power thereof in any single person', had proved 'unnecessary, burdensome and dangerous to the people'. So 'the office of a king in this nation shall not henceforth reside in or be exercised by any single person' (Gardiner (ed.) 1958: 85–6). That phrasing, which had been formulated early in February (*Journal of the House of Commons*, 7 Feb. 1649), carried an ambiguity which can only have been intentional. The words 'any single person', and those surrounding them, left open the possibility of a return to the principle of mixed monarchy, where sovereignty would be spread among the components or estates of the constitution.¹¹

10. Gardiner (ed.) 1958: 384, 388; *OPH* 1762–3: xix, 72 (cf. *ibid.*: xviii, 182), 75–6; Worden 1977: 188. The word 'republic' was dropped by the new régime after March 1649 in favour of the other terms, but the change may not have been significant. 'Commonwealth' and 'republic' are both translations of the Latin *res publica*. Both terms could mean either (i) a form of government or (ii) the political community or its well-being. (It has been pointed out that before the civil wars 'republic' usually had the second meaning – Hexter 1969: 292 – but it also had the first: Greville 1965: 38, 60, 104, 192.) 'Free state' had long been in circulation as a description of kingless countries.

11. An alternative or complementary explanation of the wording may be that it was intended to reassure the senior judges, whom parliament was desperate to keep on its side. The law, after all, ran in the king's name. Perhaps parliament wished to imply that the office of kingship – which,

Like the Levellers and officers beforehand, the Rump found it easier to assert the principle of representative government than to argue for the removal of kingship. The act of May 1649 announced England's 'return to its just and ancient right of being governed by its own representatives or national meetings in council' (Gardiner (ed.) 1958: 386). That wording, too, carries an instructive uncertainty. For no one claimed on the new régime's behalf that the English had ever been governed *solely* by their representatives in parliament. The wording was taken mainly from the charge against the king at his trial. There 'national meetings in council' seem to be regarded as the ultimate source of sovereignty, but not as instruments of its exercise. In that exercise kingship was assumed to have a part (*ibid.*: 371–2).

Throughout the revolution of 1649 it is on the rights of the Commons, not the merits of kingless rule, that the new rulers insist, mainly where not wholly. Even when the prosecutors of Charles I drew parallels between their own circumstances and those of ancient republics, it was solely in order to emphasise the rights of representative institutions – whether in republics or under monarchies (*A Continuation* 1649: 12; Cook 1649, sig. A3^v and pp. 15–16). The act of May 1649 announced that as a 'Commonwealth and Free State' the people of England would be governed by the supreme authority of this nation, the representatives of the people in parliament'. The Rump would never elaborate on that terse announcement. Over the next two years the régime, struggling desperately for survival and aware of its own unpopularity, relied chiefly on arguments – from providentialism, from the rights of conquest – which enjoined the obedience of subjects to any government, whether monarchical or non-monarchical (Skinner 1974a). After the final defeat of the royalists at the battle of Worcester in 1651, the government newsbook *Mercurius Politicus* did begin to advertise the superiority of kingless forms of rule. Yet in its editorials the ideal of a free state was intimately and persistently identified with the supremacy of the people's representatives (Nedham 1656; Worden 1994b: 77). Over the four years of the Rump's life far more is heard about the virtues of representation than of constitutional republicanism. Even after the victory at Worcester had given it scope for constitutional reconstruction, the Rump, the remnant of the ancient constitution, was content to prolong its own rule. No other form of

it had conventionally been held, never dies – would remain a legal person after the end of kingly government (cf. Cromartie 1995: 59–61). Yet if that was parliament's purpose, the words implementing it seem oddly chosen, as does the title of the 'Act for the abolishing the Kingly Office'. There is a marked contrast between the convolutions of the act and the straightforwardly worded legislation abolishing the House of Lords at the same time (Gardiner (ed.) 1958: 387–8).

non-monarchical government seems to have been proposed in parliament. Instead, debate about the future government of England was dominated by demands for fresh parliamentary elections which would make parliaments more accountable to and more representative of the people.

It is doubtful whether hostility to kingless rule ever commanded a majority in the Rump. In the two years following the regicide, it is true, Henry Marten and his friends secured the agreement of the house to the destruction of surviving symbols of kingship. Royal insignia were removed from public places. The king's statue at the Old Exchange was replaced by the inscription '*Exit Tyrannus, Regum Ultimus*' (exit the tyrant, the last of kings) (Kelsey 1997: 162–6). Yet in the sentiments which produced those flourishes, political theory followed rather than led the demands of power.

Four sets of pressures help to explain the entrenchment of the non-monarchical identity of a régime whose leaders, having risked so much in the parliamentary cause, craved security and esteem. First there were the intensity and extremism of royalist feeling and propaganda. Moderate as well as radical supporters of the new régime, both inside and outside parliament, recognised that it could hope to survive only if it developed an identity opposite to, and ready to confront, that of the royalists. The act of May 1649 at least drew a clear line, as the ambiguous act of March had not, between the régime and its opponents. The destruction of royal insignia belonged to the same strategy.

Secondly there were the unwieldiness of, and the antagonisms within, parliamentary rule. Parliament could function as a government, and retain even the most basic unity, only by insisting that all its members were equal. Equality of persons thus became a principle of government. Suspicions that Oliver Cromwell intended to enthrone himself drove even some MPs who had opposed the regicide into anti-monarchical positions.¹² After Cromwell's elevation to the protectorate in 1653, indeed, hatred of him became the dominant element in the anti-monarchism of former members of the Rump and their allies, so that a sentiment which had been nurtured by their occupancy of power was now fortified by their exclusion from it.

Thirdly there were factors of diplomacy and warfare. To be taken seriously abroad the régime had to insist on the acceptance by foreign powers of its non-monarchical status. Non-monarchical forms and ceremonies of address were devised and imposed on foreign ambassadors. The pride and

12. The fear, and in some quarters the hope, that Cromwell would become king can be traced in: Cromwell 1937–47: II, 589; Scott (ed.) 1809–15: VI, 165; Worden 1994b: 66–7; Cook 1652: 53, 63.

prestige of the régime were bound up with that achievement. So much has been written in recent times about the failures of the Puritan Revolution – the divisions among the Roundheads, the impotence of godly rule – that we may forget the self-regard of what the MP Bulstrode Whitelocke, no anti-monarchist, called ‘this great parliament, which had done so great things . . . famous through the world for its undertakings, actions and successes, having subdued all their enemies’ (Whitelocke 1853: IV, 6). In the 1640s those triumphs had been won on English battlefields. Thereafter they were won, against massive odds, in the campaigns in Ireland and Scotland in 1649–51 and in the war against the Dutch from 1652. Those achievements supplied a marked contrast to the dismal diplomatic record of the early Stuart monarchy.¹³

Finally, practical problems of nomenclature and iconography arose in the conduct of domestic as of foreign affairs. The king’s image had to be removed from the Great Seal and from newly minted coinage. Sean Kelsey, who has written very usefully on the iconography of the régime, a hitherto neglected subject, describes that iconography as republican. But what roots did non-monarchical forms and ceremonies touch or acquire? The government had difficulty in finding confident patterns of imagery and ritual that would break with monarchical and courtly habits of thought. ‘Almost instinctively’, as Kelsey himself acknowledges, the new rulers ‘recreated a court environment at Whitehall as the setting for their rule’ (Kelsey 1997: 26).¹⁴

In any case what Kelsey calls the ‘vernacular’ or ‘practical republicanism’ of the régime may, like so much that was argued on the government’s behalf, be better described as a commitment to parliamentary sovereignty. One

13. The same events, as Steven Pincus has shown (Pincus 1996), brought about a convergence between radical millenarianism, which before the regicide had not been an anti-monarchical force, and constitutional republicanism – though millenarianism, unlike the other ideas we have met, became an anti-parliamentary force too. The scorn of millenarians for ‘heathen Rome and Athens’ (Barber 1998: 192) measures their distance from the classical republicanism of a Harrington. Other forms of biblical anti-monarchism which emerged after 1649 demanded, in terms clearly contrary to Harrington’s views, that the ‘human prudence’ which mires itself in ‘puddles of history’ be set aside in favour of ‘the sacred fountains of scripture’ (Cook 1652, sigs. B2, B3). It is however a mistake simply to think of Harringtonianism as a secular force. That misconception is the achievement of the late-seventeenth-century publicists who created the canon of seventeenth-century English republican writing. They set out to delete or downplay or distort the religious components of the thinking not only of Harrington but of Sidney, Milton and others (cf. Worden 2001: 115–16). The omission from the canon of Milton’s and Sidney’s hero Sir Henry Vane, whose religious positions defied translation into late-seventeenth-century terms, was another product of that policy.

14. Kelsey (pp. 85 ff.) is impressed by the readiness of local corporations to adopt the arms of the Commonwealth in their civic insignia and thus to promote ‘new visual discourses’. But is there anything surprising in the sight of local party bosses following the lead of England’s new rulers?

practical problem was to find a form of dating years to replace the regnal usage ('the first [and so on] year of our reign'). The Commonwealth opted for 'the first [and so on] year of freedom by God's blessing restored' (Kelsey 1997: 94). When or how that freedom had been lost was not stated, but the obvious inference is that it had consisted in that 'just and ancient right' of the nation, affirmed by the act of March 1649, to be 'governed by its own representatives'. Equally the engraving on the new Great Seal, which has been hailed for its republican symbolism (Norbrook 1999: 96-7, 195-6, 202-3, 301, 382), advertises the rule, not of a republic, but of a parliament. It was principally the exploits of a parliament, not of a republic, of which members of the Rump would boast when remembering their rule.¹⁵

Of course, in 1649 the doctrine of parliamentary sovereignty was used to justify a kingless form of rule. Yet to James Harrington and his followers, the advocates of constitutional architecture, that form was repellent. To them the Rump, an unchecked unicameral government brought to power by military force, was a tyrannical oligarchy. Its members, they thought, were ignorant of those principles of constitutional design without which liberty and virtue are at least as vulnerable to the whims of rulers under parliamentary as under royal rule (Worden 1994b: 55-6). We can call the revolutionaries of 1649 'republicans' if we choose to. But we cannot silence the protest of the Harringtonians against the failure of those revolutionaries to establish 'the form of a real republic' (*ibid.*: 138).¹⁶

15. Whitelocke 1853: iv, 6; Ludlow 1894: 1, 349-50, 357. Cf. Bethel 1668: 2-3 and Hutchinson 1973: 205 - though also Sidney 1990: 143-4.

16. Here a difference of definition emerges between Quentin Skinner and me. While in our recent writings he and I have concurred in thinking of republicanism as a constitutional principle, we have parted company when identifying the principle. The republicanism defined by Skinner might be called 'negative republicanism', my version 'positive republicanism'. For Skinner, republicanism is the repudiation of monarchy: for me it has been commitment to the introduction of republican architecture. Though Skinner is concerned with the application of his definition only to a small group of thinkers, the definition itself would cover all those who carried through the abolition of kingship in 1649. Mine covers few or none of them. The choice between our definitions can only be one of convenience. The inconvenience of mine is that it excludes so many people who were involved in the destruction of kingless rule or who defended its destruction thereafter. But some terminological distinction seems desirable in order to register the gap between (i) the revolutionaries of 1649 and their defenders and (ii) Harrington and his followers (Henry Neville and sundry pamphleteers of 1659).

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