

# **THE RACKET AND THE ANSWER**

## **The Representative System and the Democratic Alternative**

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## Preface

Can we talk? There will be no pulling of punches in this book. The stakes are far too high: we cannot afford to indulge in comfortable delusions.

The American system of government is a racket. You, dear reader, are being played. This racket, however, is a venerable one, and it will not go down easily. This book is meant to elucidate the historical underpinnings of the System and to reveal its true nature as clearly as possible—and to point us in the direction of our salvation. May we succeed in making the transition.

In essentials my critique applies to all nations with a presidential or a parliamentary political system. The historical study, however, is specifically of England and the U.S.A., while the analysis of contemporary politics is confined to the latter.



I would like to thank the many scholars upon whose works this study is based, including all those listed in the Bibliography. Those whose books I found especially useful will be evident from the text. For their invaluable insights, corrections, and guidance in the production of this treatise, special gratitude is due the members of my dissertation committee at the University of Illinois at Chicago: Leo Schelbert, James Sack, Greg Anderson, Dan Smith, and Robert Johnston.

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## INTRODUCTION

From its founding until today the United States of America has been governed not by the people but by a tiny fraction of the people: by those who occupy the offices of government on behalf of the unacknowledged ruling class. These persons are, as former president George W. Bush correctly stated, albeit with reference to himself alone, "the Deciders." We, the general citizenry, are mere spectators and occasional cheerleaders in a regime of pervasive, institutionalized civic powerlessness and passivity (not apathy), our votes constituting not policy directives but blank-check grants of power. Countless things big and small are done in our name by our national and local governments about which we have little say and no ultimate control. Without question ordinary Americans are not the masters of the game being played.

In a word, "we the people" *do not rule*. The plain fact, the truth to which, however, official ideology and orthodox opinion are completely blind, is that we are not a democracy and we never have been. Indeed, the conventional characterization of the U.S. and other Western nations as democracies is nothing less than a monstrous lie and a ludicrous sham. The modern representative political system is a type of *oligarchy*, not democracy.

*Who rules?* This is the most fundamental question in politics. It is not about particular governmental policies or specific political issues. It is about the formal structure of societal power and control—i.e. the political system and the *sovereignty* that it institutionalizes. In the United States the immediate rulers are the 545 officials of our national governmental bodies (1 president + 100 senators + 435 representatives + 9 supreme court justices), while the proximate rulers—the ruling class—are the rich and powerful whom these officials for the most part represent and serve. This extreme concentration of power in the hands of a relatively small number of individuals is no aberration, no temporary distortion of an otherwise popular order. Rather it is the very essence of the modern representative system, replicated at lower levels of government through governors and state legislatures and mayors and city councils. And a central, intrinsic, and *perfectly natural* feature of such a political system is that the major governmental policies devised by its officials advance first and foremost the interests of society's elite, only secondarily—in fact very often directly contrary to and at the expense of—those of the vast majority of the people.

This of course does not mean that non-elite Americans have no influence at all on their governors or on the policies that the latter choose to implement. Not only can we petition our elected officials but we can also periodically replace them with others. Nonetheless they are still the rulers and we are still the ruled. We can plead with our elected officials to do as we desire but they are never under any compulsion to do so. We do not command or instruct them, and they are free to ignore us utterly if they so choose—which they commonly do. Therefore, although like children in relation to their parents we occasionally manage to get our way after endless nagging and begging, it is the politicians' will, not ours, that generally predominates in the political arena: they, not we, are the governors of the community.

In any event, only minimally and marginally do true progressives—the only breed of politician we might plausibly expect to pursue and safeguard the

people's interests—participate, much less succeed, in the elite-managed electoral dog and pony show. Presidents especially, whatever their origins or their outward personas, cannot by any stretch of the imagination be thought veritably to represent common folk. By the time they attain the highest office in the land they have long since become bona fide members as well as prime agents of the power elite, and it is in this capacity that they are ordained by the plutocracy to occupy their exalted positions. It is simply not their function to be the people's champion, and they never truly are. The country's latest president, Barack Obama, despite the mildly populist image he donned during his campaign, is by no means an exception to this rule—as becomes more apparent and undeniable each succeeding day of his term. In fact almost all elected officials at the upper reaches of government, like the rest of the elite, share fairly similar conservative positions on core issues such as wealth distribution and imperialism, their alluring rhetoric and their solemn promises to the people notwithstanding. *None of this is avoidable happenstance.* Rather it is the inescapable reality stemming directly from the oligarchic nature of the representative system established by the U.S. Constitution, for when a few persons are selected in extravagant, lavishly funded popularity contests and raised above the masses as their so-called leaders, it is certain that most of them will be of relatively high social status and of an exceptionally ambitious or venal personality type, that they will form a self-promoting privileged club, and that they will therefore be neither representative of the people at large nor particularly solicitous of their welfare. (It is no coincidence that most congressmen, unlike most people, are extremely wealthy.)

Yet modern political activists systematically refrain from confronting or attacking our form of government as such, preferring instead to involve themselves in agitational campaigns around particular policy areas (e.g. anti-war, labor rights, environmentalism). Such activism, employing various means from lobbying and petitioning to protest-marching and engaging in civil disobedience, is no doubt useful for the purpose of educating the public on the issues of the day; it is also not without concrete positive effects, occasionally monumental. But, taken as a whole, it manifestly does not amount to a derailing of the corporate machine or the effectuation of a serious break in the pro-ruling-class workings of the established political system. In other words, it simply is not *radical*, since it leaves the larger governmental edifice unscathed and completely intact. At the end of the day a president is still sitting in the Oval Office, senators and "representatives" are still sitting in their respective chambers in Congress, justices are still sitting in the Supreme Court, and mayors are still sitting in their City Hall headquarters, all engaged, unencumbered by popular oversight, in crafting policies, making laws, and fashioning budgets out of astronomical sums of money in the day-to-day business of real governance. It is in these drab and quiet rooms, not in the colorful and volatile "street," that constant, methodical, proactive, and enduring power lies. It is the very *existence* of these commanding offices that condemns the people, activists included, to a reactive, after-the-fact, blunt-instrument, scattershot mode of politics at best, and a state of rank impotence at worst.

If the point of our activism is to have us be herded to the cliff's edge a little less quickly and then dropped only 500 feet instead of 1000 feet, with smiles on



our faces rather than frowns (since we've done "something"), then it is quite adequate in its present form. But if our goal is to march toward the inland garden rather than the cliff, then this kind of activism is entirely insufficient.

The lesson we must finally learn is that, important as they certainly are, the issues themselves—whether the facts about them, questions concerning their absolute right or wrong, *or even the specific measures required for their solution*—should not be our primary focus. The enormity of our general problems (such as extreme wealth concentration resulting in the relative impoverishment of the vast majority of the population) and the vileness of our government's concrete actions (such as handing over trillions of dollars in public funds to predatory financial corporations)—to touch on just one of many critical policy areas, namely economics—are such that most people are either already aware and concerned about these things or could easily be made so. Moreover there is no shortage of good ideas about how to rectify them. To make good use of a hackneyed phrase: in most cases it's not rocket science (e.g. adequately and effectively tax the rich). No, the principal impediment to a betterment of the human condition and an improvement in our collective behavior is not any lack of information, understanding, or vigilance on the part of the people. The great stumbling block that Americans—laborers, professionals, and intellectuals alike—face in the realization of their long-held civic aspirations is that they generally do not possess the *power* to act in a decisive and efficacious way on the concerns that their knowledge generates. In short, the great underlying cause of the American political pathology is that we, ordinary Americans, do not control this nation and we never have. Our society's large-scale failings are thus quintessentially systemic and not, in the final analysis, attributable to the intellectual shortcomings of individuals or groups per se.

Progressives must look beyond the picture and focus on the frame. The picture, composed of particular issues and personalities, is a constantly changing cacophony. Specific issues are manifold. Individual presidents and other politicians come and go, with Republicans and Democrats regularly alternating in office in a grandiose game of political musical chairs. But the frame—the stage setup upon which the interchangeable theater props are exhibited and the various actors are made to perform—is constant. The framework of a polity is the structure of power that defines what the citizenry can do directly and effectively through the established system, which in the current dispensation is literally nothing. Tinkering with this framework through electoral reform (e.g. term limits, campaign finance reform), as some advocate, is both pitifully inadequate and inherently impractical. Who is to pass the necessary legislation? The politicians themselves. It's like asking a lion to declaw itself or a dog to bite the hand that feeds it. No, this feeble type of reform will not do. It is time for us to step back, recognize the overarching problem, and do what needs to be done to move forward. The representative system, by conferring on a certain few individuals authority over the rest of us, is thoroughly undemocratic in its core design and therefore must be replaced entirely. It is time for us to start governing ourselves.

And the first step in this revolutionary process is to examine the current political system in historical context. This entails asking two large questions:

(1) If we are not a democracy, then is there a historical example of such a polity? Yes. The prototypical democracy was ancient Athens. And this state can easily, with the obvious, necessary modifications, serve as a model for a modern democracy. An exposition of the Athenian democracy is therefore the first object of this study.

(2) Again, if we are not a democracy, then how did we arrive at our present condition of oligarchy? The political system now prevailing in the Western world developed out of the medieval monarchy. Specifically, the political history of England from the Norman Conquest to the seventeenth century consists in the broadest view of a continuous struggle by the nation's collective elite—first known as the baronage, then as the parliamentary class—to wrest sovereign power from the king. This very long, hard-fought, and ultimately successful struggle achieved the historic triumph of oligarchy over monarchy. It illustrates the kind of constitutional upheaval that it takes to bring about truly fundamental political change. And just as the effort by seventeenth-century Englishmen to realize religious aims brought about a consciousness of the broader "slavery" under which they lived and an awareness of the necessity of dramatic constitutional transformation, activists of today who focus on particular issues might finally come to see that if they really want to remodel present society they will have to adopt a much more comprehensive political program: the replacement of oligarchy by democracy. In the United States this will involve replacing the U.S. Constitution with a completely different frame of government. The radical reformers of the American Progressive Era made a start in this direction, and for this reason a consideration of their movement is most educational.



The scope of this book is clearly audacious if not outrageous. When I was in graduate school and would be asked what my dissertation was about I would reply, only half-jokingly, "Everything."<sup>1</sup> It should be obvious that I could not hope to cover every sub-topic in the exhaustive manner that is customary with narrow scholarly work. Entire books, for instance, have been written about each of several English kings whose reigns I summarize in a matter of paragraphs. Although I do chronicle a number of key historical episodes in substantial detail, the overall point of the book is breadth rather than depth. I have aimed at providing the reader a big-picture view of the historical foundations of our governmental system as well as a general understanding of the democratic alternative. I believe that attaining a wide viewpoint, even at the cost of telescoping immense swathes of history into relatively short synopses, is imperative if we are to see the political morass we are in for what it is—a profoundly systemic predicament—and to start to envision and create a new kind of polity. Put another way: we live, as it were, in a maze with no exit, and we wonder why we are lost if not imprisoned. It will not do for us to spend all

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<sup>1</sup> The dissertation's title, though perhaps less incisive than the book's, gives a slightly more precise idea of the contents: Democracy and Revolution: The Athenian Democracy and the Anglo-American Constitutional Struggle.

of our time diligently studying the individual tiles comprising the floor of this maze, or fastidiously examining the many segments making up its endlessly zigzagging wall. If we do not at some point come to the realization that *we live in a maze, a constitutional prison*, we will never recognize that it is necessary for us to *demolish* it if we are to free ourselves.

One final note: Once, when I was working as a door-to-door canvasser with Greenpeace and I was, as usual, reading in the car as we rode out into the field, a young colleague sitting next to me asked me, "Ted, why do you read that boring old b.s. about kings and queens?" It was, and is, a fair question. My study of archaic subjects might well seem peculiar to modern-day activists. It is no doubt more exciting and certainly easier to focus on current events and controversies. But our current mode of politics, though it has gained such an adamant hold on our minds that it is difficult to imagine there could be a different one, is not the way politics has to be. The modern setup came into being some time ago, through a specific historical development; moreover, a totally different arrangement existed in ancient times. In order to understand the present, therefore, we must step out of it and peer far into the past.

## PART ONE: ATHENS

### I. THE ATHENIAN DEMOCRACY

Americans and Western Europeans today, especially politicians and political commentators, talk incessantly about "our democracy." In fact the system of government in place in the U.S. and many similar countries is not democracy. Democracy was a political system employed by some of the ancient Greek states, most notably Athens. Athens was the leading democratic state in the Greek world.

The immediate purpose of this chapter is to describe the institutions of the Athenian democracy and demonstrate how they operated in real life. The broader goal is to provide a solid point of reference for my later examination of the emergence of the English parliamentary system. The contrast with the Athenian system will be seen to be so great that it will be abundantly clear that the representative system never was and never has become democracy but rather is a species of oligarchy.

It is curious that relatively few historians seem to be anything more than very superficially acquainted with Athens or knowledgeable about how profoundly different it was from so-called modern democracies. Without such a perceptual grounding, it is much more difficult to differentiate fool's gold from the genuine article.

#### DEMOCRACY AND SLAVERY

##### Context

Athens had slaves. For this reason many commentators dismiss Athens out of hand as a true democracy or as a viable model for modern democracy. This is a mistake.

The issue of slavery immediately poses a general question: For purposes of classification what is the relationship between *type of political system* on the one hand and *inclusiveness of citizenship* on the other? Let us imagine a number of societies with different governments. The first society's government consists of a single hereditary, all-powerful Ruler. This is a simple monarchy, with subjects (or serfs or slaves) but no citizens. Such a governmental arrangement is "closed," since no sizable sector of the population plays any part in the filling of the sovereign office; we'll call this government *Mc* (monarchy, closed; see table below). In a second society a single Ruler is elected every few years by a special and limited—yet numerous—subset of the people, the citizens, and the office is open to anyone. The government of this society is also a monarchy, but it is an elective and "open" one; we'll call it *Mo*. In a third monarchy the single Ruler is elected by, and from among, the entire adult population, who are all citizens. This is an "ideal" elective monarchy—*Mi*. Now imagine three oligarchies. Instead of a single Ruler these societies have sovereign Councils consisting of a small number of Rulers. In *Oc* the Council is closed and self-selecting. In *Oo* the Rulers are elected periodically by a subset of the people; it is an open, elective oligarchy. In *Oi* the Rulers are elected by all the adults, who

are all citizens; it is an ideal elective oligarchy. (The United States came close to becoming an ideal elective oligarchy when first blacks and then women were allowed to vote for the Rulers—members of Congress and the president. There are still, however, some residents of the U.S. who are denied the vote; moreover, the third branch of government, the Supreme Court, is unelected.)

Now consider democratic societies *Do* and *Di*, in which "the people" rule. (There is no such thing as a *Dc*, a democracy with only a tiny group having the right to participate in government.) *Di* is an ideal democracy: all adults are citizens with equal opportunity to participate in government as sovereign decision-makers in citizen assemblies; there is neither a single Ruler nor a Council of Rulers. *Do*, on the other hand, although open, is an imperfect democracy. As in an ideal democracy the citizens constitute a large body and they exercise sovereign authority collectively, but here they do not encompass the entire adult population of the society; some people are excluded from the citizenry. It can easily be seen, then, that just as there are varieties of monarchies and oligarchies (theoretically at least), there is a gradation of democracies. The differentiating factor is the extent of the citizen body. A less-than-ideal democracy has some restriction on citizenship (based on race, gender, place of birth, caste, etc.), but in any democracy a very large and socioeconomically diverse proportion of its denizens are sovereign citizens. Such was the case with Athens.

	citizenship		
	closed	open	ideal
type			
Monarchy	Mc	Mo	Mi
Oligarchy	Oc	Oo	Oi
Democracy	--	Do	Di

It is argued by critics, however, that the Athenians were able to devote their time to civic affairs only because others did the necessary menial work of the society. This is not accurate. Like any prosperous state Athens had a small and wealthy leisure class, but this social stratum was not coterminous with the citizen body, which was vastly larger. Most Athenian citizens worked. They were farmers, laborers, craftsmen, merchants. Some citizens had slaves, many did not. In either case they participated in the democracy, yet their civic activities did not take up all of their time; they still worked.

Before further addressing the issue of Athenian slavery, it is worthwhile to take a look at the larger contemporary environment. Slavery was ubiquitous in the ancient world—a "primordial fact."<sup>1</sup> It existed within various types of regimes. In Greece it existed in both democracies and oligarchies.<sup>2</sup> Greek slaves were mostly captured foreigners, taken as prisoners of war or as booty.<sup>3</sup>

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<sup>1</sup> Moses I. Finley, *Ancient Slavery and Modern Ideology* (Princeton, NJ: Markus Wiener Publishers 1998), 145; Yvon Garlan, *Slavery in Ancient Greece* (Ithaca: Cornell University Press, 1988), 55.

<sup>2</sup> N. R. E. Fisher, *Slavery in Classical Greece* (Bristol: Bristol Classical Press, 1993), 35.

<sup>3</sup> Fisher, 36; Muhammad A. Dandamaev and Vladimir G. Lukonin, *The Cultural and Social Institutions of Ancient Iran* (Cambridge: Cambridge University Press, 1989), 159.

Slavery also existed in the Persian empire and throughout the Near East.<sup>4</sup> More generally, forced labor was the norm twenty-five hundred years ago, as were rigidly hierarchical class relations. These inequitable social conditions within the states surrounding Athens do not seem to trouble historians much—nor should they. What *is* extraordinary, indeed pretty much unique in history, is that Athenian peasants and workers (and those of a few other Greek states about which we know far less) escaped the otherwise universal subjection of the common man, won their freedom, and became *sovereign* citizens.

Sparta is an instructive contrast to Athens. Here it is widely recognized by historians, as it was among the Greeks themselves, that the society was deliberately built upon slavery. There were only a few thousand Spartan citizens, a tiny warrior elite called Spartiates, and they did no work at all. They were surrounded by an entire conquered nation of Helots (communal slave-serfs) and perioikoi (a subject class with no citizen rights), who together constituted the entire labor force. The Spartiates severely oppressed and systematically brutalized the Helots, to the point of butchering a number of them in periodic, scheduled massacres. Repressive Sparta, in sharp contrast to liberal Athens, was nothing less than a garrison state.

### Slavery in Athens

As for Athens, the question debated among scholars is whether the democracy not only *contained* slaves but was irredeemably *based* on slavery. If the latter was the case then obviously Athens' viability as a template for modern democracy is, at a minimum, seriously compromised. (Unfortunately there are no definitive numbers to be found in the historical literature on the actual size of the slave population in Athens.)

In the view of "minimalist" historians slavery was no doubt important in the economy, but the latter did not for this reason amount to a "slave mode of production." Ellen Meiksins Wood, for instance, sees slavery as occupying only the interstices of a system of production dominated by free and independent producers.<sup>5</sup> There was relatively little agricultural slavery in Athens, which is especially significant since the agricultural sector was the mainstay of the Athenian economy as it was for all ancient economies. Instead, most slaves worked in domestic service or in the mines. Slave labor never became overwhelming in Athens because "There was no large state apparatus to sustain, no royal bureaucracy, no massive and wealthy ecclesiastical establishment, no huge disparities of wealth marked by conspicuous luxury, aristocratic magnificence and a flourishing market for manufactured luxury goods"—and none of these things ever developed.<sup>6</sup> Instructively, in the countries of the Persian empire there were, according to Muhammad Dandamaev and Vladimir Lukonin, "few slaves relative to the number of free persons; their labor could not supplant the labor of free workers. The basis of agriculture was the labor of free farmers and tenants, while in handicrafts the labor of free artisans, whose

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<sup>4</sup> Dandamaev and Lukonin, 152.

<sup>5</sup> Ellen Meiksins Wood, *Peasant-Citizen and Slave* (London: Verso, 1988), 82.

<sup>6</sup> Wood, 109.

occupation was usually inherited within the family, was likewise dominant."<sup>7</sup> One would hardly expect famously free Athens to have been more of a "slave society" than Persia.

On the other hand, "maximalists" like Yvon Garlan claim that although the very poorest Athenians had few if any slaves, the average peasant—and it was the peasants who were the backbone of Athenian society—owned at least three slaves, and these slaves were undoubtedly used in agriculture to some degree. The rich of course owned large numbers of slaves and engaged them in agriculture. Thus the number and impact of agricultural slaves was considerable. Most Athenians depended on them.<sup>8</sup>

### Slaves or workers?

The modern reader on ancient slavery as a whole is in fact struck by how integrated into mainstream social and economic life slaves were, regardless of their numbers. Slavery in ancient times can to some degree be seen as just one of so many forms of dependent labor, and slaves as just one among many classes of less than totally free people. Slaves in ancient society were not confined, as we picture them for instance in the American South, to the fields and the "big house." In Athens, for example, slaves together with metics (foreigners) played an essential role in banking; in this field some rose, according to N. R. E. Fisher, "to positions of considerable trust and responsibility."<sup>9</sup> In fact the great majority of bank employees appear to have been slaves. Garlan herself observes that "Frequently it was even a slave who, having been freed, inherited the business. . . . In Athens . . . we know of several banking 'dynasties' drawn from among slaves."<sup>10</sup> Slaves were also involved in a variety of service industries: they were entertainers (dancers and musicians), professional assistants (as of doctors), and clerks. There were also public slaves; these were employed in the workshops of the mint, in construction, in administrative tasks, as police and prison guards, as ushers in courts and popular assemblies, as office staff, and as inspectors. There were even salaried slaves who lived apart from their masters' households as well as slaves who worked entirely on their own, enjoying a large degree of independence. There was little difference, furthermore, in working conditions between slaves and free laborers; at building sites, for example, both received the same pay, with no discrimination against the slaves.<sup>11</sup>

Thus the impression one gets from examining not only Athenian but also Persian slavery is that ancient slaves were not so much universally wretched chattel as the household servant class plus part of the lower working class (classes that every European nation in history has had), and not even confined to these. Athenian slaves were integrated into the family life of the citizens and the life of the community to a remarkably high degree, so much so that elitist Athenians complained that in their state as nowhere else slaves, due to their appearance and their whole way of life, were liable to be confused with

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<sup>7</sup> Dandamaev and Lukonin, 156.

<sup>8</sup> Garlan, 61, 63-64.

<sup>9</sup> Fisher, 52.

<sup>10</sup> Garlan, 67.

<sup>11</sup> Garlan, 68, 71-72.

citizens.<sup>12</sup> It is noteworthy that whereas the Helots rose up against the Spartan tyranny on numerous occasions, there was never any similar behavior on the part of slaves in Athens during normal times. The state-owned slaves who worked the silver mines in the countryside probably fared the worst. Twenty thousand of them understandably went over to the Spartan king, Agis, at the time that he established a fort in northeast Attica in the midst of the Peloponnesian War, when the Spartans (of all people!) were promising liberty to all and sundry.<sup>13</sup> Overall, however, there can be little doubt that *for their time* the Athenians were enlightened in their relationship to the slaves who lived in their midst. Certainly there is little evidence that slavery in ancient Athens was systematically *worse* than elsewhere.



While some contend that, because it had slaves and it denied political rights to women and foreigners, Athens was not really democratic at all, Josiah Ober and others correctly deem this position unhistorical.

We may deplore the Athenians' exclusivist attitude, but moral censure should not obscure our appreciation of the fundamental importance of the new democratic political order. For the first time in the recorded history of a complex society, *all* native freeborn males, irrespective of their ability, family connections, or wealth, were political equals, with equal rights to debate and to determine state policy. The radical nature of Athenian democracy is clear when measured against the standards of the age in which it developed. Throughout ancient Greek history, oligarchy remained the most common form of polis government. . . . Given the parameters of Greek political culture, it is less useful to ask why the Athenians failed to grant political rights to women, slaves, and foreigners, than to ask how the Athenians achieved political equality among the adult male citizens and restricted the political privileges of the elites.<sup>14</sup>

It is quite proper that, unlike the Athenian democracy, the handiwork of the American Founders is not unrelentingly castigated for having been produced in a society that included slavery, for the realm of constitutional formulations and the issue of slavery are two separable things. Slavery in the U.S. was eventually overthrown, but in essentials the oligarchic U.S. Constitution was changed not

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<sup>12</sup> Garlan, 147.

<sup>13</sup> Sarah B. Pomeroy et al., *Ancient Greece: A Political, Social, and Cultural History* (New York: Oxford University Press, 1999), 311.

<sup>14</sup> Josiah Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People* (Princeton: Princeton University Press, 1989), 6. Cf. Robert Browning, "How Democratic Was Ancient Athens?," in John A. Koussoulides, ed., *The Good Idea: Democracy and Ancient Greece* (New Rochelle, NY: Aristide D. Caratzas, 1995), 62; R. K. Sinclair, *Democracy and Participation in Athens* (Cambridge: Cambridge University Press, 1988), 200; A. H. M. Jones, "The Economic Basis of Athenian Democracy," in Loren Samons, ed., *Athenian Democracy and Imperialism* (Boston: Houghton Mifflin, 1998), 54.



one whit by the abolition of the "peculiar institution" in 1865. The country hardly missed a beat in its prodigious development going into the industrial revolution. Analogously, there is little reason to suppose that the Athenian democracy would necessarily have collapsed if slavery had been done away with in Athens—as was actually proposed by some at the end of the Peloponnesian War. One can easily imagine a slaveless yet still democratic Athens.

In sum, slavery was widespread in the ancient world, democracy was not. The existence of democracy in Athens makes that ancient state outstanding, and its political system, obviously minus its restrictions on citizenship, worthy of emulation by modern democrats.

#### THE ATHENIAN DEMOCRACY: INSTITUTIONS

The word democracy is derived from *demos*, which means the people, or the common people, and *kratia*, meaning to rule. So democracy is a system of government in which the people rule collectively. The Greeks had a different word for a very different kind of political system—oligarchy, meaning government by the few (*oligoi*). Representative government—our system of government in the modern era—is a political system of this second kind. We vote a handful of individuals into office to govern us. We, the people as a whole, *do not govern ourselves*.

In any major library one will find many shelves filled with books on democratic theory, and these will be found to contain all manner of theoretical gymnastics and tortured conjectures concerning possible democratic systems. Yet neither the essential idea nor the necessary institutional mechanisms of democracy are all that mysterious. So why such confused and speculative books in modern scholarship on democracy? Because by the end of the nineteenth century the idea of democracy had become ideologically appropriated and perverted by adherents of the liberal-representative system. Thus liberals have ever since been trying to make a square representative peg fit somehow or other into a round democratic hole, while more critical thinkers, failing to recognize the potency of the Athenian example, have been reduced to generating alternative democratic principles and institutions out of thin air. C. Douglas Lummis aptly describes this (not yet rectified) intellectual state of affairs:

Pick up a book on democratic theory written before the 1980s and you will probably find yourself reading a description of the political institutions of the United States, Great Britain, France, and maybe a few other countries. Typically there will be a line or two—no more—explaining that "direct democracy" is not possible. It may have worked in ancient Athens, we are told, but "the principle is neither descriptive of nor feasible in any modern state." [Henry B. Mayo, *An Introduction to Democratic Theory*] The radical democrat is disappointed to find that this statement is not followed by a critique of the modern state. Rather, democracy is redefined to mean the characteristics of those modern states customarily called "democratic": "[W]e seek here only the differentiating features or principles of organization typical of all democracies." [Mayo] A study of the features of

those systems teaches us that democracy does not mean "rule by the people": "Democracy is not a way of governing, whether by majority or otherwise, but primarily a way of determining who shall govern." [Robert M. MacIver, *The Web of Government*]<sup>15</sup>

So what made Athens a democracy, one worthy of close examination? The answer lies in its unique political institutions—legislative, executive, and judicial. The following is a cursory description of the mature system.<sup>16</sup>

The heart of the Athenian system was the Assembly. The Assembly was the meeting of the Athenian citizens on the Pnyx, a hill adjacent to the city's commercial and administrative center (the Agora). It met at least forty times a year, the usual attendance being 6,000. The citizen body was actually five times larger, about 30,000, but not everyone attended every meeting (there was no compulsion), and residents of the outlying Athenian countryside (Attica) could not attend frequently.<sup>17</sup> All citizens had the right to attend the Assembly and to speak there. The sessions were opened with the pronouncement, "Who wishes to speak?" Of course, as in any meeting of a large number of people whether yesterday or today, the more prominent and respected members of the group—the natural leaders—spoke and were expected to speak more than others. But all decisions were by majority vote, through a show of hands.

The Assembly passed about 400 decrees a year on all kinds of issues, including questions of military and foreign policy.

It was the Ecclesia alone [says David Stockton] which took the final decisions on declaring war or making peace or concluding alliances and treaties; on despatching particular expeditions, specifying the number of men and ships to be employed, and who was to be in command; it appointed overseers of public projects, architects, shipwrights . . . imposed . . . taxes and imposts, and authorized expenditures; ordered public

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<sup>15</sup> C. Douglas Lummis, *Radical Democracy* (Ithaca: Cornell University Press, 1996), 27.

<sup>16</sup> This synopsis is based primarily on Mogens Herman Hansen, *The Athenian Democracy in the Age of Demosthenes: Structure, Principles and Ideology* (Oxford: Blackwell, 1991). Also valuable is David Stockton, *The Classical Athenian Democracy* (Oxford: Oxford University Press, 1990). The system evolved somewhat over time. Some constitutional changes certainly were made, and some historians discern a general "taming" of the tenor of the democracy between the fifth and the fourth centuries, from a radical popular sovereignty to a more constrained dispensation more akin to the "rule of law." E.g. Sheldon S. Wolin, "Norm and Form: The Constitutionalizing of Democracy," in J. Peter Euben, John R. Wallach, and Josiah Ober, eds., *Athenian Political Thought and the Reconstruction of American Democracy* (Ithaca: Cornell University Press, 1994). But there is little serious argument by scholars that the Athenian system was so drastically altered structurally that it ever became something other than the profoundly democratic one it has always been perceived to be.

<sup>17</sup> Greg Anderson puts the number of citizens at 50,000 and the Assembly attendance at 5,000; Cynthia Farrar has the citizen body at 40,000. Greg Anderson, *The Athenian Experiment* (Ann Arbor: University of Michigan Press, 2003); Cynthia Farrar, *The Origins of Democratic Thinking: The Invention of Politics in Classical Athens* (Cambridge: Cambridge University Press, 1988).

buildings to be erected, or impeachments to be instituted; decided just about everything that affected the state in matters both large and small.<sup>18</sup>

The second major component of the Athenian political system was the Council of Five Hundred, a most ingenious institution. Its members were chosen annually by lot, i.e. randomly, from among all the citizens. The five hundred members of the Council were divided up into contingents of fifty, each of which, called a *prytaneis*, served for one-tenth of the year as the executive committee of the Council. Each day one member of the *prytaneis* was randomly chosen to serve as chairman for that day. Service on the Council was limited to two one-year terms in a lifetime. Hence a majority of Athenian citizens had the opportunity to serve in this key body.

The Council of Five Hundred had three main functions. First, it prepared the agenda for the Assembly, making recommendations for action on the agenda items, and through the current *prytaneis* it presided over the Assembly meetings. Second, it functioned as the central administration of the government, managing and overseeing the various officers and boards of magistrates that constituted the state apparatus. The majority of these officers were selected by lot, and all terms of office were for one year only. Finally, the Council acted as the Athenian state's representative in its relations with other states. In other words, the Council acted as "the government" in the British sense, with day-to-day authority to discuss foreign policy and to negotiate with representatives of other states. Major questions, however, were always referred to the Assembly for decision.

The third major organ of state, regarded collectively, was the courts. Each year 6,000 citizens were chosen by lot out of the entire citizen body to serve as a pool of eligible jurors for that year. The "jurors"—actually they were both judge and jury—were then chosen as needed, again by lot, to man the various courts on any given day. These ranged in size from 201 to 501 members who, like the Assembly attendees after 402 B.C., were paid for their services. In contrast to today's courts, Athenian courts were not run by professional judges and lawyers; the jurors were not chosen or manipulated by any such intermediaries. In order to prevent the growth of an elite class of legal professionals and a consequent institutional bias toward wealthy and influential clients, the courts were run completely by amateurs.

What made the courts so important an institution in Athens was that beyond settling legal differences between private individuals and judging criminal cases—functions common to all courts—they also played an important role in regulating politics. Political trials (those concerning the conduct in office of magistrates, most notably generals) actually took up most of the courts' time. The courts, then, were vehicles of popular judicial control of officeholders.

The major Athenian institutions can be roughly correlated with their counterparts in the modern representative state: the legislature, the executive, the judiciary, and the bureaucracy. But there is a profound difference. In Athens governance was truly by the people themselves in their capacity, variously, as legislators, administrators, judges, and bureaucrats. The cornerstone of the

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<sup>18</sup> Stockton, 83.

Athenian political system was a degree of participation by ordinary citizens in the actual workings of government that is completely unknown in the modern era. The main governmental bodies were extraordinarily large, both absolutely and relative to the size of the citizen population, of which they were therefore good representative samples. And the frequency of their meetings was very high, roughly weekly. By contrast, in the typical so-called democracy of today the people have only the opportunity to vote a few individuals into or out of office once every several years. Sheldon Wolin aptly describes the people in the one type of state as a collective actor, those in the other as a passive electorate. And Benjamin Barber rightly calls "representative democracy" an oxymoron.<sup>19</sup>

Nowadays we think of candidate elections as a democratic procedure. But to the Athenians election of magistrates was an oligarchic method of filling offices. It was selection by lot that was the democratic way. All Athenians were agreed on this, whether they liked the democracy or not. Elitists such as Socrates and Plato felt that the use of the lot to fill governmental offices was senseless. One would not choose a helmsman by lot, they argued; yet the Athenians chose the officers of their ship of state in this manner. The lot was based on the idea that, although most people were not experts in any particular field of public policy, they possessed enough general competence to operate and oversee the government. Only the generals—of which Pericles was the most renowned—and a few financial officers were elected. It should be noted that serving in office was voluntary; no one was compelled to serve if he did not want to. Also, there was screening for a minimal, basic adequacy beforehand.

In his famous Funeral Oration Pericles reminded the Athenians that "Here each individual is interested not only in his own affairs but in the affairs of the state as well: even those who are mostly occupied with their own business are extremely well-informed on general politics. . . . [W]e do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all. We Athenians, in our own persons, take our decisions on policy or submit them to proper discussions."<sup>20</sup> In a remarkable passage in his *Politics* Aristotle more fully summarized the Athenian system:

If all citizens are to be equal, the mass of the people must be sovereign; and the will of the whole people, as determined by the majority vote in a popular assembly open to all citizens regardless of wealth or rank, must be decisive. There should be no "governing class," and all citizens should take turns in holding office; officers of state should be appointed randomly, by the use of the lot, save where it is clear that some exceptional quality or expertise is essential; there should be no property qualification for holding office, or at any rate it should be no more than minimal; tenure of office should be for short periods only, and repeated tenure for the most part (save in military appointments, for example) avoided, or resorted to only very infrequently. All the most important judicial decisions, including the

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<sup>19</sup> Sheldon Wolin, *Democracy Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism* (Princeton: Princeton University Press, 2008), 150; Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley: University of California Press, 1984), xiv.

<sup>20</sup> Thucydides, *History of the Peloponnesian Wars* (London: Penguin, 1972), 2.40.

review of the conduct in office of the officers of state, should be taken by courts which are drawn from, and representative of, all the citizens.<sup>21</sup>

This was truly *demokratia*. I do not argue that democrats today should aim to replicate Athens in every detail. This would be fantasy: our world is not that of Greece 2500 years ago. But I do maintain that in its core principles and in the major outlines of its principal institutions, Athens is a superb model for a democracy in any age (See Appendix A).

#### THE ATHENIAN DEMOCRACY IN ACTION

Nowadays we call the Greek polities "city-states," and this implies that they were small, insubstantial political entities. In fact the various states of the Greek world fully correspond to modern nations. Certainly everything was smaller, but only on an absolute scale. It took the ancients days to march from one side of mountainous Greece to the other, or to cross the Mediterranean in the fastest trireme (warship), just as today it takes us similar lengths of time to traverse the entire globe. In its ancient heyday Athens was considered a great state, a veritable "superpower." The city itself was large and populous by Greek standards, and it governed a larger territory called Attica, 1,000 square miles in size. In the Peloponnesian War Athens, the leader of an alliance of states, confronted the traditional powerhouse Sparta, and these two states with their respective allies vied for supremacy in the Greek world. An examination of a number of occurrences during and after this epic conflict, which contemporaries justifiably viewed as a "world war," helps to illustrate the workings of the Athenian democracy.

Among the incidents related below are several notorious cases that are pointed to by critics of Athens as prime examples of the ignorance of the multitude and the folly of democracy (the Sicilian expedition, the Arginusae generals, the trial and execution of Socrates). What we find upon close examination of these and other cases, however, is that the decisions taken by the demos were at all times carefully considered. Democracy does not require omniscience, universal success, or even righteousness (however defined) in all undertakings on the part of the people. What it does require, and what the Athenian democracy provided at all times, is a public forum for deliberation and discussion through which sovereign communal decisions are made by the citizen body as a whole.

The Peloponnesian War is chronicled by Thucydides.<sup>22</sup> One of the outstanding features of his narrative is its portrayal of the Athenian Assembly, the primary institutional vehicle of the demos. Throughout the decades-long war the Assembly was the directing agent of Athenian foreign policy. It decided

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<sup>21</sup> Stockton, 54, paraphrasing Aristotle, *The Politics*, ed. Stephen Everson (Cambridge: Cambridge University Press, 1988), 1317a.

<sup>22</sup> Technically this war lasted from 431 to 404; it was thus only one phase of the general Greek war that began in the middle of the fifth century and did not end with the temporary defeat of Athens in 404 but rather continued on until the middle of the fourth century.

matter after matter and met crisis after crisis in an extremely impressive display of energy and sovereign authority.

### The Megarian debate

On the eve of the war (432 B.C.) Spartan representatives arrived in Athens with their ultimatum to "give the Hellenes [the Greeks] their freedom"—specifically the Megarians, whom Athens had barred from her empire's ports. The Athenians, Thucydides relates, "held an assembly in order to debate the matter, and decided to look into the whole question once and for all and then to give Sparta her answer. Many speakers came forward and opinions were expressed on both sides, some maintaining that war was necessary and others saying that the Megarian decree should be revoked and should not be allowed to stand in the way of peace." Pericles then stepped forward to speak. He did not begin, as an American president would, with any such pronouncement as "This is what I have decided to do." As always in democratic Athens, he who addressed the Assembly, from the humblest citizen to the greatest general, simply expressed his opinion as to what *the Athenians*, collectively, should do: "Athenians," Pericles said, "my views are the same as ever: I am against making any concessions to the Peloponnesians [i.e. the Spartans]. . . . I must give you exactly the same advice as I have given in the past, and I call upon those of you who are persuaded by my words to give your full support to these resolutions which we are making all together."<sup>23</sup> "Let none of you think," he continued, "that we should be going to war for a trifle if we refuse to revoke the Megarian decree. . . . [I]f you take a firm stand you will make it clear to them that they have to treat you properly as equals. And now you must make up your minds what you are going to do."<sup>24</sup> Thucydides concludes: "This was Pericles' speech. The Athenians considered that his advice was best and voted as he had asked them to vote. Their reply to the Spartans was the one that he had suggested. . . . The ambassadors returned to Sparta [without satisfaction], and no further embassy was sent."<sup>25</sup>

For all his eminence, Pericles did not decide one thing in Athens. Athenian decisions were collective decisions, not individual, elite, or partisan decisions. Individuals, elites, and "parties" certainly did try to persuade the citizenry. This was considered not only acceptable but normal: the demos did not live in a political vacuum. But it was always "you"—the Athenians—who decided.

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<sup>23</sup> Thucydides, 1.139. It should be noted that there is some question among modern historians about the nature of the speeches recorded in the *History*, namely whether they are literal transcriptions or imaginative re-creations by the author. There is little disagreement, however, about Thucydides' broad accuracy and intellectual honesty. In any event, there are no alternative, similarly authoritative accounts of the period for the modern historian to consult.

<sup>24</sup> Thucydides, 1.140.

<sup>25</sup> Thucydides, 1.145.

### The Mytilenian debate

Athenian citizens did not deal only with relatively minor issues, as do, for instance, community and town meetings in the modern era; nor did they vote only once in a while, as we do in modern elections. The Athenians—ordinary citizens sitting in the Assembly—tackled the most weighty matters of state as they arose and immediately.

The decision recounted above was on whether or not to go to war. In the famous Mytilenian debate (427), which took place in the second of two Assemblies on consecutive days, the Athenians reconsidered their previous draconian decision to condemn to death the citizens of the rebellious subject state of Mytilene. The principal popular leader at this time, Pericles having died, was Cleon. Usually depicted as a "demagogue," Cleon nonetheless did not, any more than any other leader in Athens at any time under the democracy, dictate to the demos. "Let me sum the whole thing up," he said to his fellow citizens. "[I]f you follow my advice [of destroying the rebel city's entire adult male population], you will be doing the right thing. . . . Make up your minds . . . to pay them back in their own coin."<sup>26</sup> Diodotus, speaking after Cleon and referring to the second thoughts the citizens were having about their earlier decision, opined that it was a good thing for the citizens "to have frequent discussions on matters of importance." He called leaders like himself the city's "counsellors," "who give you our advice" and "can be held to account for the advice we give."<sup>27</sup> Diodotus then lobbied for his own less sanguinary proposal, namely to punish only the actual rebels: "Consider what a mistake you would be making . . . if you took Cleon's advice. . . . I call upon you, therefore, to accept my proposal as the better one." "This," concludes Thucydides, "was the speech of Diodotus. And now, when these two motions . . . so opposed to each [other], had been put forward, the Athenians . . . still held conflicting opinions, and at the show of hands the votes were nearly equal. However, the motion of Diodotus was passed."<sup>28</sup> Thereupon a second trireme was hurriedly dispatched to Mytilene to prevent the dreadful first order from being carried out.

The Mytilenian debate is a marvelous example of the many life-and-death decisions the Athenians made throughout their never-ending wars. This communal decision-making process was what Athenian democracy was about.

### The Sicilian expedition

Perhaps the most memorable episode in Thucydides' entire *History* is the Athenians' colossal, ill-fated Sicilian expedition of 415 in the middle of the desperately-fought Peloponnesian War.

Sicily was a distant country, but most of its constituent city-states had been founded by Greek colonists, and the island retained its ancestral connection with mainland Greece. Syracuse, the largest of the Sicilian cities, as well as several others, were Dorian in origin, and these were formally allied with Dorian Sparta

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<sup>26</sup> Thucydides, 3.40.

<sup>27</sup> Thucydides, 3.42-3.

<sup>28</sup> Thucydides, 3.47

from the beginning of the war.<sup>29</sup> When Syracuse and neighboring Leontini, which was Ionian, became engaged in hostilities in 427, Leontini and its allies "sent to [Ionian] Athens, appealing to their ancient alliance and to their Ionian origin." The Athenians answered by sending a squadron of twenty ships. The following year the Athenians sent out a second, larger fleet in response to their allies' requests to support them yet again against the Syracusans.<sup>30</sup> These actions, like all major foreign policy initiatives, would have been discussed and decided in the Assembly by the demos.

A decade later it was the Egestaeans who called upon the Athenians to defend them from the Syracusans. Thucydides describes the Egestaeans arguing—not unreasonably given the immensity to which the Athenian-Spartan conflict had now grown—that the powerful and, significantly, Dorian Syracusans must be subdued before they conquer the whole of Sicily and then "join the Peloponnesians, who had originally sent them out as colonists, in the work of utterly destroying the power of Athens. It would be a wise thing, therefore, for Athens to make use of the allies she still had and to put a check on Syracuse, especially as Egesta would supply sufficient money to finance the war. The Athenians heard these arguments frequently repeated in their assemblies."<sup>31</sup> The Athenians, then, clearly did not decide on the great Sicilian expedition on the spur of the moment or out of sheer unthinking desperation, as is often alleged. In fact they sent a delegation to Sicily to investigate the situation there. It was only when the delegates returned and made their encouraging report to the Assembly that the Athenians decided to send a third and—this time, they hoped—decisive force.

Nicias, though one of the generals selected to command the expedition, nevertheless spoke against it. He thought that the Athenians were attempting to bite off more than they could chew: they already had their hands full with the Peloponnesians. This position is usually deemed to have been the obviously correct one. But it should be remembered that Nicias was a very cautious general, as would later be evidenced by his timid conduct of the war once in Sicily.

Addressing the Assembly, the bold and wily Alcibiades, another of the three generals appointed to the joint leadership of the venture, made a quite astute and reasonable case for it. It was by gaining and helping allies, he pointed out, that the Athenian empire had been won. Indeed, it is in this manner that all empires are won. And a great state must remain active and alert.

One does not only defend oneself against a superior power when one is attacked; one takes measures in advance to prevent the attack materializing. And it is not possible for us to calculate, like housekeepers, exactly how much empire we want to have. The fact is that we have reached a stage where we are forced to plan new conquests and forced to hold on to what we have got, because there is a danger that we ourselves may fall under the power of others unless others are in our power. . . . In

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<sup>29</sup> Dorians and Ionians were two of the major ethnic groups among the early Greeks.

<sup>30</sup> Thucydides, 3.86, 3.115.

<sup>31</sup> Thucydides, 6.6.



the assurance therefore that, in going abroad, we shall increase our power at home, let us set out on this voyage.<sup>32</sup>

Nicias then spoke again. He pointed out that, unlike others they were dealing with elsewhere, the Sicilian cities were not suffering under oppressive (i.e. oligarchic) governments. They were, he said, "very unlikely . . . to give up their freedom in order to be ruled by us." Given this disadvantage as well as other problems the Athenians were likely to encounter, yet seeing that "you are quite determined on the expedition," Nicias recommended to the Athenians that they prepare an even larger force than the one already planned.<sup>33</sup> And they did just that. Thucydides explains that Athens was able to put together the awesome expeditionary force that it did because the city had by now recovered physically and economically from the plague that had struck it and from the many years of continuous warfare. Manpower as well as capital had been replenished. In fact Thucydides could not but acknowledge "the incredible ambition of the thing," this "demonstration of the power and greatness of Athens."<sup>34</sup>

The Sicilian expedition of course ended in total defeat for the Athenians. But the point here is that it was not a patently rash undertaking, as it is so often depicted by critics of the democracy. The Athenians had been dealing with Sicily for some time; it was not unfamiliar to them. They carefully considered the great expedition in at least two Assemblies, in which they listened to their Sicilian allies, a fact-finding committee's report, and leading statesmen with opposing, intelligently propounded views. After hearing Nicias' reservations, they increased the size of the force to meet his requirements. Given, as Thucydides reports, the expedition's "great preponderance of strength over those against whom it set out," the Athenians' confidence in its success was not unreasonable.<sup>35</sup> A more vigorous prosecution of the initial offensive—thwarted by Nicias—would probably have resulted in victory, for by the second year of the war the Syracusans were at the point of surrendering. Only the arrival of a Spartan and Corinthian force in the nick of time saved them. The Sicilian expedition, then, is not an example of the failure of *democracy*. It is an example of democracy at work, and of one failure among many successes and failures of *the Athenians*.

Yet it is argued by some that the Sicilian episode is a prime example of one of the dangers of democracy, namely the people's susceptibility to manipulation by self-interested leaders posing as altruistic advisers. The principal proponent of the expedition at the crucial Assembly meeting described above had been Alcibiades, a man possessed of both epic ambition and a keen aptitude for stirring up passions. When the Athenians later came to suspect Alcibiades' involvement in some malfeasance that had occurred just before the launching of the Sicilian venture, they called him back. Alcibiades' response was to betray his countrymen and defect to the Spartans, whom he afterward helped to defeat his native state. In a word, the Athenians had been duped.

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<sup>32</sup> Thucydides, 6.18.

<sup>33</sup> Thucydides, 6.20.

<sup>34</sup> Thucydides, 6.31.

<sup>35</sup> Thucydides, 6.31.

Conversely, a manifestly good, strong, and charismatic leader can have such a preponderant influence on a populace that it is specious for anyone to refer to him, or for him to refer to himself, as a mere adviser. Thucydides famously opined that it was Pericles, not the demos, who really held power in Athens, which therefore was only nominally a democracy.<sup>36</sup>

The appropriate response to this objection to democracy, that even in this political system the people don't necessarily rule since they can be led astray by their leaders, is that they do rule, but freedom is not equivalent to nirvana. Free peoples, no less than free individuals, can and sometimes do judge poorly; they often change their minds, sometimes abruptly; they can make mistakes or even fail completely in their endeavors; and they can be unduly influenced by forceful personalities. Democracy is a system of government—a mechanism, a tool. It cannot be expected that if and when people employ it they will make no mistakes: to err is human. A well-functioning democracy guarantees only one thing: that the governmental decisions arrived at within it are those of the collective citizenry, not those of any single person or any elite group. When a leader of whatever character—saint or devil, hero or charlatan—proposes in a democracy a course of action to the people, it is the latter who choose to follow that course of action or not; it is they who vote it up or down. This is what it means to rule, to exercise sovereignty. To rule cannot mean to be free of guidance or influence, for this is an impossibility in society—citizens are not isolated monads. To rule can only mean to have the final say in decision-making.

People will have leaders; this is only natural. That some leaders will be unwise, self-serving, or domineering, or that the people will, on occasion, mistakenly follow bad advice from otherwise good leaders, are all probably inevitable scenarios at one time or another in a democratic polity of any significant duration. Not unexpectedly, the relationship between leaders and masses is a two-way street: the two sides affect each other in complex ways depending on the individuals, populations, and circumstances involved. Who is manipulating whom might well be debatable in any given case. But what makes a democracy a democracy is that however virtuous or villainous any *leader* might be, the *rulers* are the people, and this condition is constantly maintained by the very institutions of government.

#### The Arginusae generals

Besides the execution of Socrates (discussed next), probably the most widely deplored action of the Athenians in the history of their democracy is their execution of the Arginusae generals. The naval battle between the Athenians and the Spartans off the Arginusae islands in 406 was the largest naval engagement among Greeks up to that time, involving some 300 ships. The Athenians were victorious but lost twenty-five ships. Since a trireme was manned by about 200 rowers and marines, this would have meant a casualty figure of up to 5000 men.

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<sup>36</sup> Thucydides, 2.65.

The battle and its aftermath are described by both Xenophon and Diodorus.<sup>37</sup> The two accounts differ somewhat, but the bottom line is that the eight generals involved did not, immediately after the battle, either rescue the men still clinging to the wreckage or recover the dead. Recovering and burying the bodies of dead soldiers after battle, often under truce, was the universal custom and an automatically observed military protocol among the Greeks. But rather than carry out the rescue and recovery operation, several of the generals wanted instead to set off right away to raise the Spartan blockade of an Athenian fleet at nearby Mytilene. In any event, a sudden violent storm arose and nothing at all was done.

When the Athenians learned of the generals' failure to retrieve the fallen men they were incensed, despite the great naval victory. They relieved the generals of duty and summoned them to Athens to answer for the calamity. Back in Athens the generals made statements in front of the Council of Five Hundred about the battle and its aftermath, having already, in their apprehension, sent home a letter from the field assigning blame to the ship-captains they had delegated to pick up the bodies as well as to the ensuing storm. The Council then handed the generals over to the Assembly for trial. Two Assemblies, with many of the bereaved in attendance, were held to deal with the case. At the end of the first Assembly the Council of Five Hundred was "instructed to review the matter and bring in a proposal as to what sort of trial the men should have."<sup>38</sup> The second Assembly then opened with the Council's recommendation that a single vote on collective guilt or innocence be taken forthwith. Some people pointed out that the generals had a right to individual, unhurried trials. But the majority of the citizens, apparently having heard enough already, including the generals' collective letter, short speeches from each of the generals, a self-defense from the ship-captains, eyewitness testimony from survivors, and speeches in defense of the generals, opted for an immediate vote. The result was the conviction of the eight generals and the execution of the six who had returned to Athens, the other two having wisely fled into exile.

Today we do not execute generals or other high officeholders for anything they do, even when criminal actions on their part (i.e. war crimes) result in the deaths of great numbers of innocent people.<sup>39</sup> Therefore what the Athenians did to their generals sounds unbelievably harsh to our ears. But unlike us the Athenians believed seriously in holding their leaders and officers accountable for their conduct as public servants. They also evidently valued the lives and bodies of ordinary soldiers—their fellow citizens—more highly than we do now, jaded as we are by the wanton, large-scale slaughter of modern warfare. Seen in this light, their conduct in the Arginusae affair is perhaps not so strange.

In any event, it cannot be stressed too strongly that democracy is about collective decision-making as a political process, not about "correct" decisions. And the Athenians, while the democracy was in existence, always decided on major issues collectively. In this instance as in others they held orderly

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<sup>37</sup> Xenophon, *Hellenica* (London: Penguin, 1979), 1.7; Diodorus, *The Library of History* (Harvard: Loeb Classical Library, 1933), 13.97-103.

<sup>38</sup> Xenophon, 1.7.7.

<sup>39</sup> Athens' generals, the state's highest officeholders and usually among its top politicians, were much more important than the simple generals of most modern states.

Assemblies in which they received the relevant information, heard views from all sides, and discussed the situation freely. They also considered the recommendation of the Council, itself a truly representative body. And then they voted on what to do. That they did not in this case allow the generals the customary separate trials might indeed have been in some sense "illegal," as the generals' defenders argued at the time: "You are Athenians, and Athenians do not act like this. The laws are your own creation and it is the laws, above all, which have made you great. Abide by them and never attempt to do anything without their sanction."<sup>40</sup> But just as democracy is not about making right decisions, neither is it about the much-ballyhooed "rule of law." The Athenians were in fact notably law-abiding; indeed, they were notoriously litigious. Also, there were means by which those who made allegedly illegal or even merely ill-advised proposals in the Assembly could later be held to account by the demos (not by the law *per se*). These were in effect safety mechanisms by which the Athenians ensured themselves of responsible and reasonably good counsel from their leaders. Yet at any given moment the citizen Assembly was the ultimate sovereign. As long as the decisions of the Assembly were arrived at in proper democratic fashion, the democratic process was upheld. It was the citizens' prerogative to override any particular law at any time if they chose to do so: they were the sovereign rulers. Thus when someone objected to the Council's proposed immediate vote on the fate of the generals as unconstitutional, Xenophon has "the great mass" in the Assembly responding—quite correctly given the principles of their democracy—that "it was an intolerable thing if the people was not allowed to do what it wanted to do."<sup>41</sup>

#### The trial and execution of Socrates

The execution of Socrates in 399 is reflexively held by many to be a great black mark on the Athenian democracy. Any system that can allow this to happen, it is stated or implied, cannot be ideal. (Athens was *not* an ideal democracy, but for other reasons.)

Patterns of immense and murderous folly, such as the Soviet regime's terrorization and liquidation of millions of its own people over several decades, or the U.S. government's continual acts of direct and indirect imperial aggression around the world, do indeed bring into serious question the merits of the political systems under which they occur. But it is less than certain that the sentence of execution passed by a jury on *one man* does the same for the Athenian democracy. I. F. Stone has studied the case in some detail. Although he does not wholly exonerate the Athenians, his account is a valuable corrective to the usual story.<sup>42</sup>

Socrates, Stone finds, was not merely a provocative but harmless gadfly philosopher who, as he is often depicted, simply spurred people to think more clearly about abstract concepts by relentlessly questioning them. Socrates was

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<sup>40</sup> Xenophon, 1.7.29.

<sup>41</sup> Xenophon, 1.7.12.

<sup>42</sup> I. F. Stone, *The Trial of Socrates* (Boston: Little, Brown, 1988). Stone is corroborated by Mogens Herman Hansen, *The Trial of Sokrates--from the Athenian Point of View* (Copenhagen: The Royal Danish Academy of Sciences and Letters, 1995).

in fact profoundly out of tune with the entire tenor and ethos of democratic Athenian society: he was truly an "enemy of the people" if there ever was one. He and his followers were a throwback to a more politically primitive age. "They all rejected the polis. They all saw the human community not as a self-governing body of citizens with equal rights but as a herd that required a shepherd or a king. They all treated democracy with condescension or contempt."<sup>43</sup> In a word, Socrates was the quintessential antidemocrat. He taught that it is the business of the ruler—"the one who knows"—to give orders and the business of the ruled to obey. More enlightened Greeks, particularly the Athenians, rejected this elitist principle of government. They believed instead in the equality of the citizens. If left to Socrates, the state would have no citizens at all, only servile subjects.<sup>44</sup> It is not surprising that he actually preferred Sparta's oligarchy to his own city's democracy.

In Socrates' high-flown philosophy, as related and expounded by Plato (and discussed more fully in the next section), ordinary men have neither the virtue nor the knowledge required for self-government. Most Athenians, however, believed that citizens did by and large possess the requisite degree of these qualities. One does not have to be a master of metaphysics to participate in political decision-making. By denying that the citizens possessed a modicum of basic virtue and knowledge, Socrates undermined a core principle of the Athenian state. "The dominant Greek view," says Stone, "gave dignity to the common man. The Socratic view demeaned him. This was an irreconcilable divergence."<sup>45</sup>

Socrates specifically attacked rhetoric—the stock-in-trade of public speakers and hence the vehicle of amicable political discussion and persuasion among citizens—as pure claptrap or flattery. To him it was nothing more than a means of catering to the senseless whims of the mindless multitude, since in his eyes no one except philosophers like himself really knew anything.<sup>46</sup> It is no coincidence that, talkative as he was, Socrates never participated in the critical Assembly debates of his time. Apparently he felt that these were beneath him. He would lecture people individually in his supposedly edifying style but he would not deal with them as equals in public forums.

Socrates' belief that Athenians were unfit to rule themselves was clearly a dissonant stance in so thoroughly democratic a city as Athens, but his contrariness went far beyond merely holding an unpopular personal opinion. He made it his business, indeed his life's work, to teach his elitist doctrines to the impressionable upper-class youth of the city—the very persons most likely to inculcate his notions of superiority and see themselves as Athens' rightful rulers in place of the demos. Socrates was the idol and guru of these young men, whom he urged to enter politics. Then, when they came of age and finally overthrew the democracy, instituting a reign of terror whose death squads killed 1500 Athenians in 404, Socrates stayed quietly in the city while the democrats

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<sup>43</sup> Stone, 14.

<sup>44</sup> Stone, 16.

<sup>45</sup> Stone, 40.

<sup>46</sup> Given the sordid nature of modern politics, the word rhetoric nowadays has a distinctly and well-deserved negative connotation, but in ancient Greece it was for the most part a neutral or even positive term.

fled and regrouped.<sup>47</sup> Even after the restoration of the democracy Socrates continued his dangerous behavior unabated, apparently unperturbed by the recent proceedings.

Luckily for the oligarchic rebels, the restored democracy graciously granted a blanket amnesty to all the coup participants. But there were yet more antidemocratic stirrings in 401, for "such men do not give up easily."<sup>48</sup> Socrates himself remained unrepentant, persisting as always with his antidemocratic teachings. It was for these reasons that certain democratic leaders, particularly one Anytus, decided to bring Socrates to account, lest his manifest sedition instigate yet another murderous coup.

At his trial Socrates not only refused to mollify the common folk of the jury, who were understandably antipathetic toward him, he intentionally provoked them. He stated that oracles told him—and he did not disagree—that he was the wisest man around, that he "far excelled the rest of mankind."<sup>49</sup> And he mockingly suggested to those who had just suffered grievously from the work of his acolytes that instead of punishing him they should honor him as a hero. Socrates was in the habit of denigrating anyone and everyone, including the venerable heroes of Athens' recent history such as Themistocles and Pericles. Everyone but Socrates, it seems, was ignorant and deficient. This was the arrogant attitude he flaunted at his trial.

Thus a 500-man jury duly convicted Socrates of corrupting the youth and disrespecting the "gods of the city," by which the Athenians meant not the gods of Olympus, for which they had little reverence, but those of the deified democracy: the "gods" of persuasion, of debate, and of the Assembly. Since he refused to proffer a reasonable sentence for his crimes, as convicted persons had a right to do in Athenian courts, the jurors sentenced Socrates to death as the prosecution demanded. Finally, in his characteristic supreme intransigence, Socrates refused to flee into exile, as he easily could have done and as his followers arranged for him to do. Stone flatly surmises that he had a death wish. Years later the orator Aeschines put it succinctly: the Athenians "put to death Socrates the sophist . . . because he was shown to have been the teacher of Critias, one of the thirty who put down the democracy."<sup>50</sup>

The "justness" of the court's decision, as with any decision by any person or set of people, is debatable. Even Stone, for all his revisionism, believes that Socrates was after all merely exercising free speech, and that the Athenians therefore committed a "tragic crime" by convicting him. The Athenians felt differently (at the time—they later repented). They dealt with a dangerous individual through their democratic courts, which worked quite properly and effectively.

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<sup>47</sup> This was the second oligarchic coup in seven years, the previous one in 411 having been far less sanguinary.

<sup>48</sup> Stone, 156.

<sup>49</sup> Stone, 79.

<sup>50</sup> Stone, 178. The original, generic meaning of "sophist"--from *sophos*, meaning wise--was any teacher or intellectual, and this of course would have included Socrates.

## Athens and Philip

Except for very brief interludes after the two oligarchic coups in 411 and 404, democracy never wavered in Athens for nearly two hundred years. It is striking, late in the city's life, how steadfastly the democratic processes of the Athenian state were upheld in the face of such a formidable foe as King Philip of Macedon, soon to be Athens' conqueror. It was an incongruous spectacle: ten-member embassies, 500-member Councils, and 6,000-member Assemblies treating with one man or at most a handful of his personal emissaries.<sup>51</sup> And they did so in the orderly, communal fashion characteristic of the democracy. In 346 the Athenian ambassadors arrived home from their first meeting with Philip at the Macedonian capital of Pella. As J. R. Ellis describes it,

they made their reports to the Council and to the Assembly. On the motion of Demosthenes [the leading statesman in Athens at the time], it was resolved that, when the Macedonian envoys arrived, the mandatory two consecutive days should be set for assembly-meetings. . . . When the demos assembled . . . it had before it not one motion but two. The first was . . . [a] proposal of peace and alliance on Philip's terms [which would isolate some of Athens' allies]. . . . The demos, taken by surprise, reacted strongly against the motion, supporting overwhelmingly the alternative proposal . . . for [a] Common Peace, in which all Greeks would be free to take part, if they so desired. . . . All speakers gave support to the [second] motion.<sup>52</sup>

In the course of the following day's debate, however, the demos was persuaded that to reject Philip's proposal would mean immediate war. It therefore accepted his proposition.

There were all kinds of complex machinations, negotiations, and debates such as these going on as Philip increasingly insinuated himself into Greek affairs, and the Athenian demos was heavily involved in them. At one point, relates Ellis, "after the assembly-meeting of that day, everything . . . was unsettled; groups were forming and re-forming in the Agora to discuss the situation."<sup>53</sup> On another occasion, described by George Cawkwell,

When the Athenian ambassadors returned to Athens [after their second trip to Macedonia], they found that there had been yet another change of mind in Phocis [a principal ally of Athens]. Phocian ambassadors were present requesting Athenian military aid, and, when the Athenian ambassadors made their report to the Council, the atmosphere was tense. The council chamber was crowded with citizens listening to the debate. The issue can only have been whether or not to renounce the peace with Philip and go out to save Phocis.<sup>54</sup>

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<sup>51</sup> Letters from Philip were read to the Assembly; he never visited Athens.

<sup>52</sup> J. R. Ellis, *Philip II and Macedonian Imperialism* (Princeton: Princeton University Press, 1976), 111-112.

<sup>53</sup> Ellis, 119.

<sup>54</sup> George Cawkwell, *Philip of Macedon* (London: Faber and Faber, 1978), 104.

Perhaps the occasion on which the Athenian democracy most trenchantly demonstrated its principles in action occurred, ironically, in the darkest hour of its entire history. Demosthenes recounts the Athenian reaction to Philip's arrival in central Greece in 339, just three days' march from Attica:

It was evening when a man came to the Prytaneis [the executive committee of the Council] with a message that Elatea had been taken. Thereupon some of them immediately got up in the middle of dinner and began to move people out of the booths set up in the market and set fire to the wicker-work barricades, while some sent for the Generals and summoned the war-trumpeter. The city was filled with confusion. The next day, at dawn, the presiding committee summoned the Council to the chamber, you Athenians went to the Assembly, and, before the Council had considered the business and drafted a recommendation, the whole people were in their seats. When the Council came and the Prytaneis, having reported the news, produced the man who brought the message, and he himself repeated it, the herald called 'Who wishes to address the Assembly?' No one came forward. He called a number of times. Still no one got up, although all the Generals were there and all the customary speakers, and our country was calling for the man who would speak for its salvation. . . . That was the occasion, that was the day that called for a man . . . who had followed things from the outset and had rightly calculated Philip's motives and wishes in these actions. . . . Well, that man was found on that day: myself. I came forward and spoke.<sup>55</sup>

Despite the "confusion," it will be noted, the normal democratic procedures were strictly adhered to. The demos was immediately summoned and it assembled in an orderly fashion. The Council "considered the business and drafted a recommendation." And the floor was opened to any citizen who wished to speak. No man had exclusive authority or automatic precedence. Demosthenes spoke not as one with any such privilege, for there was no such person in Athens. He spoke rather as a true leader, to the city's true sovereign. Whether his policy recommendations were good or bad is irrelevant. The point is that in the Assembly of democratic Athens he was listened to only because his fellow citizens chose to listen to him; and his policies were implemented only because the demos itself chose to implement them.

## THE ANCIENTS ON DEMOCRACY

### Description

Pericles' Funeral Oration contains only a couple of sentences out of the whole speech that pertain to democracy as such (the remainder is more about social culture than veritable democratic philosophy): "Our constitution is called a democracy because power is in the hands not of a minority but of the whole

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<sup>55</sup> Cawkwell, 143.



people. . . . No one, so long as he has it in him to be of service to the state, is kept in political obscurity because of poverty."<sup>56</sup>

A pithy, little known contemporary description of the Athenian democracy, in the form of a beautiful paean, is contained in Euripides' *Suppliants*. A Theban herald comes to Athens and asks for the local tyrannos (ruler). King Theseus (anachronistically, for there were no kings in the classical period) responds,

One moment, stranger.  
Your start was wrong, seeking a master here.  
This city is free, and ruled by no one man.  
The people reign, in annual succession.  
They do not yield the power to the rich;  
The poor man has an equal share in it.

Theseus goes on to give the herald a lesson in history and on the just ordering of the state:

Nothing is worse for a city than an absolute ruler.  
In earliest times, before there are common laws,  
One man has power and makes the laws his own:  
Equality is not yet. With written laws,  
People of few resources and the rich  
Both have the same recourse to justice. Now  
A man of means, if badly spoken of,  
Will have no better standing than the weak;  
And if the lesser is in the right, he wins  
Against the great.

Then, recalling the cry of the herald that opened discussion in the Assembly:

This is the call of freedom:  
"What man has good advice to give the city,  
And wishes to make it known?" He who responds  
Gains glory; the unwilling may hold their peace.  
For the city, what can be more equal than that?<sup>57</sup>

The above are fairly simple affirmations of the egalitarian ethos that underpinned the democracy: in politics there is to be no favored class.



We possess only two contemporary "studies" specifically of the Athenian constitution. The first of these was written by the anonymous "Old Oligarch,"

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<sup>56</sup> Thucydides, 2.37.

<sup>57</sup> Jennifer Tolbert Roberts, *Athens on Trial: The Antidemocratic Tradition in Western Thought* (Princeton: Princeton University Press, 1994), 38-9.

probably around 431.<sup>58</sup> The author is indeed an oligarch: he is a member of the upper class, he holds aristocratic views, and he is a harsh critic of the Athenian democracy. At least one historian believes that he was Thucydides son of Melesias, the leader of the opposition to Pericles.<sup>59</sup>

The Old Oligarch's "Athenian Constitution" is not, as we might expect, a dry description of the institutions of the Athenian democracy, as is the later *Athenian Constitution* produced by the school of Aristotle (to which we will turn next). Instead it is a bitter admission of the success of the democracy in providing for the rule of the common people and the furtherance of their interests as against those of the aristocracy. The Old Oligarch is especially offended by the fact that the "ignorant and base," and even "insane individual[s]," have "the same right to speak in the Assembly and to sit in the Council" as "citizens of the greatest skill and virtue."<sup>60</sup> To the Old Oligarch and most other elites such precepts made the democracy, as Alcibiades would later put it, "an acknowledged folly." That it "cannot produce the best kind of city" is obvious to the Old Oligarch, but he recognizes that it is well suited to its purpose. "For the people do not want to be slaves in a city where there reigns good government, but to be free and to rule."<sup>61</sup>

The Old Oligarch objects to the inverted balance of power among the social classes in maritime, commercial Athens. "[I]n this city the poor and the [common] people receive a greater share [of power] than the noble and the rich, since it is the people who move the ships and who make the strength of the city. Pilots, boatswains, mates, look-outs, and shipwrights, these are the strength of the city, much more than the heavy-armoured [the hoplites], the noble, and the best citizens."<sup>62</sup> Even slaves and metics are allowed to live reasonably well in Athens, since they do essential work. But it is the rich who are made to pay for public functions such as choruses, athletic games, and the equipping of the all-important warships—and thereby "made poorer."<sup>63</sup>

It is no wonder, then, that in its relations with its allies Athens almost invariably aligns itself with the demos of each city against the "rich and mighty . . . who do not share the same point of view. . . . [T]he best class [opposes] democracy, whereas . . . the worst class favors it."<sup>64</sup> In making the member states of the empire come to the popular forums of Athens to settle disputes, furthermore, the Athenians know what they are doing. For if Athens were to go to them instead, "they would show respect only for those Athenians who sail out on mission, that is, the Generals, the trierarchs, and the ambassadors [i.e. elites]. But now every single allied citizen is compelled to court the favour of the Athenian people, knowing that when he comes to Athens to sue or stand trial, the decision depends entirely on the people, because they are the nomos [the

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<sup>58</sup> Livio Catullo Stecchini, introduction to *The Constitution of the Athenians, by the Old Oligarch and by Aristotle* (Glencoe, IL: The Free Press, 1950), 13. The Aristotelian *Constitution of the Athenians* is commonly known as the *Athenaion Politeia*, or *AP*.

<sup>59</sup> Stecchini, 14.

<sup>60</sup> Old Oligarch, 1.6-9.

<sup>61</sup> Old Oligarch, 1.8.

<sup>62</sup> Old Oligarch, 1.2.

<sup>63</sup> Old Oligarch, 1.13.

<sup>64</sup> Old Oligarch, 3.10. See Appendix C.

law] in Athens."<sup>65</sup> Thus the Athenian demos was careful to make it known to other peoples that it was the sovereign in its city.

In the Old Oligarch's opinion, the Athenian democracy was exceptionally well constructed. Many changes could be devised to "improve" the constitution in an oligarchic direction, "but if the purpose is that of keeping democracy, it is not easy to devise what could improve the constitution while this political order prevails."<sup>66</sup>



The Aristotelian *Athenian Constitution* is one of 158 separate constitutional studies of Greek states produced by Aristotle's school in the late fourth century. Most unfortunately, no others have survived. The actual author of this invaluable work was probably a pupil of Aristotle.

Just before the time of Solon (c. 600 B.C.), the author relates, the constitution was "oligarchic in general, and more specifically, the poor . . . were enslaved to the rich."<sup>67</sup> Then "the people made a stand against the nobles."<sup>68</sup> Solon was chosen as mediator between the opposing parties, and he instituted certain meliorating reforms, the most notable of which (a) freed the poor from debt bondage, (b) created four property classes, and (c) granted the lowest class some right of participation in the Assembly and the jury-courts.

The author chronicles the further development of Athenian government through various stages until it reaches its final form in 403, by which time "The people have made themselves the supreme power and run all public affairs through decrees of the Assembly and sentences of the jury-courts in which they have control."<sup>69</sup> He then proceeds to describe the many offices and bodies of government, the most important of which, of course, are the Council of Five Hundred and the Assembly.

Most impressive in this description of the Athenian system is that most of the officials are chosen by lot. Only a relatively small number, most notably the ten generals, are chosen "by show of hands" in the Assembly. (The Old Oligarch complained that through the lottery system "all have the right to be elected to office.")<sup>70</sup> Even the chairman of the Council—the highest single officer in the government—who "has supreme power over public records, keeps the text of the decrees, keeps a transcript of all other business, and sits in [and presides over] the meetings of the Council" is selected by lot. "Formerly," however, "he was elected by show of hands and the most illustrious and trustworthy citizens were appointed to the office."<sup>71</sup> The Athenians understood the lot to be one of the keystones of the democracy, fully recognizing that the natural tendency of candidate elections is to favor elites.

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<sup>65</sup> Old Oligarch, 1.18.

<sup>66</sup> Old Oligarch, 3.9.

<sup>67</sup> *AP*, 2.

<sup>68</sup> *AP*, 5.

<sup>69</sup> *AP*, 41.

<sup>70</sup> Old Oligarch, 1.2.

<sup>71</sup> *AP*, 54.

The complexity and sophistication of the Athenian system and of the measures employed to assure randomness and fairness, as presented in the highly detailed *Athenian Constitution* (especially in the operation of the courts), is almost mind-boggling. And yet the basic principles behind the system are elemental. These will be discussed at greater length in the next section.

#### Criticism: Plato and Aristotle

Aristocratic intellectuals living in Athens in the fourth century had a serious problem on their hands: "the problem of democracy."<sup>72</sup> For, unlike the situation in other lands throughout most of human history, in Athens there were no exclusive pinnacles of power where privileged intellectuals could ensconce themselves, contentedly next to the rulers. Simply put, men like Plato (c. 429-347) and Aristotle (384-322) were quite comfortable with oligarchy and extremely uncomfortable with democracy. This is why these two philosophers were so engrossed in discovering and propounding the proper form of government, which, as far as they were concerned, was assuredly not that of their home state. Plato in particular, like his mentor Socrates, was veritably obsessed with that monster, Athenian democracy, so much so that his entire literary corpus can be viewed as an intellectual revolt against it.

In general the Greek philosophers, both antidemocratic and democratic, faced the elemental questions of political philosophy more squarely than intellectuals tend to do today, and their influence on posterity has been immense. For these reasons it behooves us to examine closely their views on the subject of political systems. After engaging these ancient thinkers we will come out thinking much more clearly on this critical subject.

#### Plato

For all his undoubted brilliance, and notwithstanding the copiousness of his writings, Plato's political philosophy is at heart rather simple. There is absolute good. Naturally, only the best people can know or attain this good. These are the philosophers, or at least people of superior ability and education. Certainly Plato himself is capable of knowing the good.<sup>73</sup> And the good is of course the aim of the state. Therefore either philosophers, specially trained "guardians," or Plato himself—the omnipresent "legislator"—should rule the state.

Plato is in essence a theologian. He believes in a world other than the obvious one we see around us; i.e. he believes in heaven—a realm of perfection, justice, and all that is good. And he believes that people (at least philosophers) have souls, apart from their bodies, that can reach heaven.

The foundation of Plato's political philosophy is laid out in the *Phaedo*; the more substantial of his other dialogues are ramifications from this core.

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<sup>72</sup> Josiah Ober, *Political Dissent in Democratic Athens: Intellectual Critics of Popular Rule* (Princeton: Princeton University Press, 1998), 347.

<sup>73</sup> This is implicit throughout most of the dialogues; Plato makes it explicit in the *Republic* when, speaking through Socrates, he mentions "my own case of the internal sign." (496c) The translation used is Jowett (1953).

Socrates is the main protagonist in most of Plato's dialogues, especially the earlier ones. It is notoriously problematic to determine whether it is Socrates' or Plato's views that are being propounded, if indeed the two can be disentangled at all. Certainly the dialogues are not totally or strictly historical accounts of actual conversations engaged in by Socrates, yet they do contain much historical fact. They are in effect "historical fiction." In this study, as in Platonic scholarship in general, we will assume that the dialogues contain the thought of Plato.

*Phaedo*

In the *Phaedo* Socrates is conversing with his disciples after his trial and conviction, while he awaits execution. He reassures them that he is going to a better world; therefore they should be happy for him, not sad. For the philosopher is entirely concerned with the soul, not with the body. The philosopher actually wants to get away from the body—whose senses are "inaccurate witnesses"—and turn to the soul, since it is the soul that is the province of thought, and it is in thought alone that reality is revealed.<sup>74</sup> Plato simply asserts (as he often does the basics of his philosophy) the existence of absolute justice, beauty, and good, none of which can be reached with the senses. It is with intellectual vision, not with the vision of the eyes, that the essence of things is apprehended. The body itself is nothing but a source of endless distraction.

In this present life . . . we make the nearest approach to knowledge when we have the least possible intercourse or communion with the body, and do not suffer the contagion of the bodily nature, but keep ourselves pure until the hour when God himself is pleased to release us. And thus getting rid of the foolishness of the body we may expect to be pure and hold converse with the pure, and to know . . . all that exists in perfection unalloyed, which, I take it, is no other than the truth.<sup>75</sup>

Plato sees that there is a difference between concepts and the physical reality they represent. Take, for instance, equality. No two physical things are completely equal (i.e. identical). Yet the idea of equality is of a perfect equality. From this Plato posits the existence of absolute things, which are superior to physical things, and which are the standards by which the latter are judged. Since we do not experience absolute things like perfect equality in our mundane lives, then we must have previous knowledge of them. "Learning," therefore, is simply the process of recollecting in the present a knowledge of ever-existing, absolute things that our souls possessed before we were born. Hence "our souls must also have existed without bodies before they were in the form of man, and must have had intelligence."<sup>76</sup>

The soul has a separate existence from the body. But "When the soul and body are united, then nature orders the soul to rule and govern, and the body to obey and serve," for clearly it is the soul that more resembles the divine.<sup>77</sup> The

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<sup>74</sup> Plato, *Phaedo*, 65b.

<sup>75</sup> Plato, *Phaedo*, 67a.

<sup>76</sup> Plato, *Phaedo*, 76c.

<sup>77</sup> Plato, *Phaedo*, 79e.

divine governs and commands; the mortal, on the other hand, is by its nature subservient. The soul, like the divine, is immortal, rational, uniform, indissoluble, and immutable, while the body, being human, is mortal, irrational, multiform, dissoluble, and changeable. In death the soul "departs to the invisible world—to the divine and immortal and rational: thither arriving, she is secure of bliss and is released from the error and folly of men, their fears and wild passions and all other human ills, and for ever dwells, as they say of the initiated, in company with the gods."<sup>78</sup> It is only the philosopher (for there are souls and then there are souls), pure lover of knowledge, who is admitted into this company.

Plato distinguishes between the earth we know and the "true earth" above it. He who, in his quotidian existence, believes he lives on the true earth, is like a creature who lives at the bottom of the sea and fancies he is living on the surface of the water. He never sees "how much purer and fairer the world above is than his own." Our physical earth, Plato feels, is "spoilt and corroded," and not to be compared with the true, metaphysical earth, which is perfect and incomparably more resplendent.<sup>79</sup>

### *Republic*

The *Republic* is of course Plato's best-known dialogue. Together with the *Laws* and the *Statesman*, which are not nearly as important, it is also the most directly political. Plato's stated purpose in the *Republic* is to discover what justice is. In the course of this investigation he discusses his real concern: what the best state is. Here he proposes to put into concrete practice the theoretical hierarchy outlined in the *Phaedo*.

One of the key themes in the *Republic* is the division of labor. Referring to farmers, cobblers, carpenters, and other such craftsmen, Socrates explains that everything turns out better "when one man does one thing which is natural to him . . . leaving other crafts alone."<sup>80</sup> But Plato's division of labor pertains as much to political classes as to workers: the different characters of the former must also be maintained, with the best—the "guardians"—ruling. "[T]hus the whole State will grow up in a noble order, and the several classes will receive the proportion of happiness which nature assigns to them."<sup>81</sup>

The ruling class, consisting of the wise, is the smallest class in the state, this being "ordained by nature."<sup>82</sup> The many are emotional and covetous, whereas superior temperaments, "which follow reason and are under the guidance of mind and true opinion, are to be found only in a few, and those the

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<sup>78</sup> Plato, *Phaedo*, 81a. There is some evidence, which is beyond the scope of this study to detail, that people do have souls that can separate from their normal bodies. But these may simply be different, more energy-like forms of persons, not completely immaterial--much less absolutely superior--things. In any case, it is not the possible existence of souls or other dimensions of human existence as such that the democratic thinker must be wary of, but rather Plato's insistent application of the hierarchical principle to all of human life.

<sup>79</sup> Plato, *Phaedo*, 109c.

<sup>80</sup> Plato, *Republic*, 370c.

<sup>81</sup> Plato, *Republic*, 421c.

<sup>82</sup> Plato, *Republic*, 429a.

best born and best educated."<sup>83</sup> Justice in the state consists of nothing other than the different classes minding their own business and not being "busybodies."

But when the cobbler or any other man whom nature designed to be a trader . . . attempts to force his way into the class of warriors, or a warrior into that of legislators and guardians, to which he ought not to aspire, and when these exchange their implements and their social position with those above them; or when one man would be trader, legislator, and warrior all in one [this was the quintessential Athenian], then I think you will agree with me in saying that this interchange and this meddling of one with another is the ruin of the State. . . . This . . . is injustice.<sup>84</sup>

The three main classes in the state are the guardians, the warriors, and the commoners. These classes correspond to the three principles of the body: reason, spirit, and desire. And "it is proper for the rational principle, which is wise, and has the care of the whole soul, to rule."<sup>85</sup> Again, injustice is "a strife which arises among the same three principles—a meddlesomeness, and interference, and rising up of a part of the soul against the whole, an assertion of unlawful authority, which is made by a rebellious subject against a true prince, of whom he is a natural vassal."<sup>86</sup> Indeed, this condition is a veritable "disease . . . a state of things at variance with [the] natural order."<sup>87</sup>

Plato's famous (or infamous) proposed reform of the sick state is to make philosophers—those who know absolute good—the rulers: "Until philosophers are kings . . . [and] commoner natures . . . stand aside, cities will never have rest from their evils."<sup>88</sup> Plato laments that the services of philosophers are not properly utilized, that in actuality (recall that Socrates and Plato lived in democratic Athens) they are not appointed rulers in the cities. But he will not have them grovel for the position: "The pilot should not humbly beg the sailors to be commanded by him—that is not the order of nature. . . . [likewise the] ruler who is good for anything ought not to beg his subjects to be ruled by him."<sup>89</sup>

So Plato sits up in his ivory tower and waits for the people to call on him to lead them. He disdains their supposedly tumultuous gatherings and refuses to attend them, lest his principles be corroded by the brute majoritarianism of the rabble.

When they meet together, and the world sits down at an assembly, or in a court of law . . . and there is a great uproar, and they praise some things which are being said or done, and blame other things, equally exaggerating both, shouting and clapping their hands, and the echo of the rocks and the place in which they are assembled [such as the Pnyx] redoubles the sound of the praise or blame—at such a time what courage will be left, as they

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<sup>83</sup> Plato, *Republic*, 431c.

<sup>84</sup> Plato, *Republic*, 434a.

<sup>85</sup> Plato, *Republic*, 441e.

<sup>86</sup> Plato, *Republic*, 444b.

<sup>87</sup> Plato, *Republic*, 444d.

<sup>88</sup> Plato, *Republic*, 473c.

<sup>89</sup> Plato, *Republic*, 489b.

say, in a young man's heart? Will any private training enable him to stand firm against the overwhelming flood of popular praise or blame? or will he be carried away by the stream? Will he not assent to the notions of good and evil which the public in general have—practice what they practice, and be such as they are?<sup>90</sup>

It is only the sophists who, caring nothing for (absolute) justice, enter this lions' den and cater to the "motley multitude." Plato compares the sophist to a man who tends to a "mighty strong beast." He must learn what soothes and mollifies the animal so that he can handle him safely. Having gained this knowledge he calls it wisdom regardless of whether the beast's desires are in themselves good or bad: "good or evil . . . are mere names which he allots in accordance with the tastes and tempers of the great brute."<sup>91</sup> The true philosopher, such as Plato himself, will not join the "wild beasts"—the demos. If he cannot rule them, he prefers to retire to a quiet life and be free from "unrighteousness and impious deeds."<sup>92</sup>

### *Gorgias*

The subject matter of the very lively *Gorgias*, rhetoric, is one of Plato's main interests, and he returns to it repeatedly in several of the dialogues. Rhetoric, the engine of the beastly Athenian democracy that he hates so much, simply does not make sense to him. While other arts have specific objects, for instance weaving the making of garments, and music the composition of melodies, rhetoric seems to him to be about nothing in particular. It is supposedly concerned with "discourse," but, asks Socrates, discourse about what? "[T]he greatest and the best of human things," the sophist Gorgias replies, namely power and "the ability to persuade with words the judges in the courts, or [the councillors] in the council, or the citizens in the assembly, or the audience at any other political meeting . . . [i.e.] the multitude."<sup>93</sup>

Persuasion, Socrates responds, is fine when properly employed, but the problem as he sees it is that the people can be made to believe anything, regardless of its veracity. Gorgias admits that rhetoric is concerned with belief, not with truth. Socrates further observes that "no one can be supposed to instruct such a vast multitude [in the Assembly or in the courts] about . . . high matters in a short time."<sup>94</sup> This being the case, what is the point of rhetoric? Gorgias answers with a historical example. He reminds Socrates that Athens' docks, walls, and harbour were proposed and designed "in accordance with the counsels of Themistocles and Pericles, and not at the suggestion of the builders [the experts on such things]. . . . And you will observe, Socrates, that when a decision has to be given in such matters the rhetoricians are the advisers, and they are the men who win their point."<sup>95</sup> Gorgias gives another example. If a rhetorician and a physician were to go to a city and contend in its Assembly for

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<sup>90</sup> Plato, *Republic*, 492b.

<sup>91</sup> Plato, *Republic*, 493a.

<sup>92</sup> Plato, *Republic*, 496d.

<sup>93</sup> Plato, *Gorgias*, 451d, 452d.

<sup>94</sup> Plato, *Gorgias*, 455a.

<sup>95</sup> Plato, *Gorgias*, 455d.



election as state physician, "the physician would have no chance; but he who could speak would be chosen if he wished; and [similarly] with a man of any other profession . . . for [the rhetorician] can speak more persuasively to the multitude than any of them, and on any subject. Such is the nature and power of the art of rhetoric!"<sup>96</sup>

The rhetorician, surmises Socrates, does not need to know the truth about things; he only needs to be persuasive.<sup>97</sup> This, to Socrates, is abominable. Rhetoric is not an art at all (for no irrational activity is an art) but only a perverse skill—that of flattery.<sup>98</sup> It is a counterfeit, ignoble politics, for it aims at pleasure without any thought of what is best. Rhetoric is to justice as gourmet cooking is to medicine: it delights the soul without elevating it just as rich food delights the body without regard to its health. In both cases the result is chaos rather than temperance and good order.

Since Socrates and Plato aim at attaining justice, not at persuading the multitude, they care not a whit for the public forums of Athens, where rhetoric is the medium of discourse and the majority rules regardless of the truth. Socrates is not interested in argument by numbers, and he is certainly not interested in persuading the masses: "[W]ith the world at large I have nothing to do, and do not even address myself to them."<sup>99</sup>



To sum up Plato's elitist philosophy: There are two distinct worlds: a heavenly, transcendent world of truth and good, and an earthly, material world of falsehood and evil. This cosmic hierarchy is mirrored in human society by a gradation in the different classes of people. Among humans only the few who are wise and good partake in the world of truth. These are the philosophers; they are the natural rulers on earth. But since the foolish rabble, in some Greek states at least, won't put themselves under their natural superiors, the latter will have nothing to do with sordid society. There are some pseudo-intellectuals, however, who, though they do not know the truth, pretend to inform the ignorant multitude and presume to lead them in politics, and this can only produce evil and chaos. This is what happens in democracy.

#### Aristotle

In his *Politics* Aristotle immediately displays a striking characteristic that distinguishes him from Plato: his much greater practical bent and critical common sense. Aristotle strongly and justly criticizes many aspects of Plato's fanciful model state in the *Republic*. He recognizes that the social planner need not completely reinvent the wheel; neither should he arbitrarily scrap all extant institutions. "Let us remember that we should not disregard the experience of

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<sup>96</sup> Plato, *Gorgias*, 456b.

<sup>97</sup> Plato, *Gorgias*, 459b.

<sup>98</sup> Plato, *Gorgias*, 462e.

<sup>99</sup> Plato, *Gorgias*, 473e.

ages," he admonishes. Many good things have been thought up, although they have not always been arranged to best advantage or properly used.<sup>100</sup>

The *Republic's* scheme of rigorously exclusive guardian rule and privilege is particularly objectionable, not because it is inegalitarian but because it would lead to excessive discontent in society. It would result in "two states in one, each hostile to the other," with the educated guardians "a mere occupying garrison" and the neglected husbandmen and artisans in fractious chaos.<sup>101</sup> The high-spirited warriors, too, would naturally resent their exclusion from rule. In short, Plato may be brilliant but he is impractical: "In framing an ideal we may assume what we wish, but should avoid impossibilities."<sup>102</sup>

Given the obvious differences between the two philosophers, some scholars see Plato and Aristotle as contradistinctive, Plato being dangerously idealist and Aristotle being sensibly pragmatic.<sup>103</sup> But Aristotle is not so much the opposite of Plato as a toned-down, crafty version of him. He is an elitist but a cautious one. Certainly he does not want the hierarchical social order fundamentally altered. "[T]hat some should rule and others be ruled," he declares emphatically at the beginning of the *Politics*, "is a thing not only necessary, but expedient; from the hour of their birth, some are marked out for subjection, others for rule." Aristotle makes this statement in the course of discussing slaves as possessions. But, closely following Plato, he continues the thought along more general lines. "[I]n all things which form a composite whole and which are made up of parts . . . a distinction between the ruling and the subject element comes to light." In a living creature with a soul and body, "it is clear that the rule of the soul over the body, and of the mind and the rational element over the passionate, is natural and expedient; whereas the equality of the two or the rule of the inferior is always hurtful." The principle "extends to all mankind. . . . [T]he lower sort are by nature slaves, and it is better for them as for all inferiors that they should be under the rule of a master."<sup>104</sup> This lower sort includes "mechanics and laborers" and all those of the "lower class." They do not have "excellence," but are mere "servants of the community." Although "necessary to the existence of the state," in the best form of state they are not to be citizens. Unfortunately, however, in "some governments," i.e. democracies, they are.<sup>105</sup>

Like all societies in the ancient world, Athens did not count all adults among her citizens; this was nowhere an issue. What *was* significant to Aristotle and to his contemporaries was that democracies like Athens were characterized by the rule of the poor, who were the majority of the citizens.<sup>106</sup> He goes so far as to say that even if the poor were a *minority* in the state, nonetheless if they ruled, the state would be a democracy. "For the real

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<sup>100</sup> Aristotle, 1264a1.

<sup>101</sup> Aristotle, 1264a25.

<sup>102</sup> Aristotle, 1265a11.

<sup>103</sup> e.g. Stone, 13.

<sup>104</sup> Aristotle, 1254a21-b21.

<sup>105</sup> Aristotle, 1277b34-1278a22.

<sup>106</sup> To the Greeks, society was essentially composed of two classes: the rich and the non-rich. The latter were the poor, the common people, or simply "the people." The Greeks for the most part did not recognize a distinct "middle class."

difference between democracy and oligarchy is poverty and wealth."<sup>107</sup> It is to this extent that democracy was associated in Greece with the rule of the common man rather than that of the elite. As Aristotle defines the two types of polity, "oligarchy is when men of property have the government in their hands; democracy, the opposite, when the indigent, and not the men of property, are the rulers."<sup>108</sup>

And to Aristotle it is precisely demotic rule that is the problem with that form of government—democracy—"in which the people themselves are always meeting [in assemblies] and deliberating about everything . . . and deciding everything for themselves" while "the magistrates decide nothing."<sup>109</sup> For the poor, being the majority, might very well decide democratically to "divide among themselves the property of the rich . . . [which] will ruin the state. . . . [T]his . . . cannot be just."<sup>110</sup> (It is very noteworthy that in Athens it was principally the rich who were taxed by the state, through a property tax called *eisphora* as well as through liturgies. The latter involved rich individuals having to perform certain very expensive public duties, including the *choregia*, which paid for public music and drama festivals, and the *trierarchia*, which paid for the warships. We have seen how the Old Oligarch resented such taxation.)<sup>111</sup>

Just as Aristotle opposes the sovereignty of the *demos* as embodied in democratic assemblies, he also does not wish to see common men occupying the offices of government, "for their folly will lead them into error, and their dishonesty into crime." Yet it is inexpedient to shut the *demos* out of politics altogether, "for a state in which many poor men are excluded . . . will necessarily be full of enemies." The only way out of this predicament is to mollify the common people by granting them the honor of electing elite officers, who then make the decisions. Thus, for the sole purpose of conjuring up an acceptable version of oligarchy to replace democracy, Aristotle introduces representation into his political scheme. He recognizes that logically there is no more justification for allowing the many to elect individuals into office than there is for allowing them to hold office, but it won't do to have them "utterly degraded."<sup>112</sup> It is tactics such as these, in the face of the formidable democracy of Athens, that make Aristotle intriguing. He understands the need of the elite to employ subtle measures of largely symbolic accommodation with demotic sensibilities if it is to attain and maintain substantive hegemony in the real world.

Aristotle's insistence on "the rule of law" is likewise a compromise. There is no question that he believes in social and political hierarchy: it is natural for the few to rule the many. But democrats prefer that everyone partake in ruling and being ruled in turn. Since democracy is intolerable to Aristotle and his fellow elites while aristocracy is intolerable to the people, a third way must be devised. "We thus arrive at law," i.e. the rule of law, a form of rule mediated by

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<sup>107</sup> Aristotle, 1279b40.

<sup>108</sup> Aristotle, 1279b17.

<sup>109</sup> Aristotle, 1298a29, 1299b38.

<sup>110</sup> Aristotle, 1281a14.

<sup>111</sup> Hansen, 110-5; John Thorley, *Athenian Democracy* (London: Routledge, 1996), 45-6.

<sup>112</sup> Aristotle, 1282a15.

specially selected "guardians and ministers of the law."<sup>113</sup> Plato, in the *Laws*, had expected the profusion of immutable laws that "the legislator" (Plato himself) imposed at the founding of the state to cover every possible future situation, with no further legislation being either necessary or desirable. Aristotle, however, realizes that this is impossible. He does not object to elites formulating the original laws, but he sees that there must be room for contingency thereafter. Appointed officers must be able "to make any amendment to the existing laws which experience suggests." Thus, since it is infeasible for the aristocracy to rule outright like philosopher-kings, then better that the laws, as managed and administered by a few independent elite officials, be accorded the mantle of sovereignty rather than the demos. The supposedly impartial laws ("reason unaffected by desire") thereby come to the relief of the aristocracy.<sup>114</sup> In this clever manner Aristotle improves upon the doctrinaire Plato. He even chides his former teacher: "[T]he best [of governments] is often unattainable, and therefore the true legislator and statesman ought to be acquainted, not only with that which is best in the abstract, but also with that which is best relative to circumstances."<sup>115</sup>

The law is of special significance to Aristotle. There are many variations of democracy, he claims. (No doubt there was variety among the lesser democracies of Greece, but here Aristotle is prescribing, not just describing.) In the acceptable forms the law is supreme. By contrast, the perverted form

is that in which not the law, but the multitude, have the supreme power, and supersede the law by their decrees. This is a state of affairs brought about by the demagogues. For in democracies which are subject to the law the best citizens hold the first place, and there are no demagogues; but where the laws are not supreme, there demagogues spring up. For the people becomes a monarch . . . and the many have the power in their hand, not as individuals, but collectively. . . . [T]his corporate rule . . . this sort of democracy, which is now a monarchy, and no longer under the control of law, seeks to exercise monarchical sway, and grows into a despot [and] the flatterer is held in honour.<sup>116</sup>

By the people becoming a "monarch" or a "despot" Aristotle seems to mean that they have come to see themselves, and to act, as a strong and unified force capable of doing whatever they wish, in violation of the preexisting "law"—i.e. the prevailing social order—if need be. Somehow—Aristotle neglects to explain why, since his whole argument, though ingenious, is founded not on solid reasoning but on concern for elite domination—it is only those polities in which "the best citizens hold the first place" that are "subject to law." He accuses "demagogues," i.e. the leaders of the people, of playing a key role in bringing about a contrary, topsy-turvy state of affairs. They "make the decrees of the people [which, apparently, are ipso facto not laws] override the laws, by referring all things to the popular assembly . . . [where] the people have all

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<sup>113</sup> Aristotle, 1287a9-22.

<sup>114</sup> Aristotle, 1287a24-33.

<sup>115</sup> Aristotle, 1288b25-36.

<sup>116</sup> Aristotle, 1292a5.

things in their hands." They bring complaints against the magistrates and encourage the people to judge them "and so the authority of every office is undermined."<sup>117</sup> And they are constantly "wronging the notables" in order to curry favor with the people, either confiscating their property or "diminish[ing] their incomes by the imposition of public services."<sup>118</sup> In other words, demagogues facilitate the demos' exercise of its own power, such power being inevitably deleterious to both the status and the estates of the rich. A fully realized democracy of this kind, Aristotle suggests, is so illegitimate that it is not a proper "constitution" at all.

Aristotle makes it plain that to him the value of the "rule of law" is simply that it makes genuine democracy avoidable: "When the class of [yeoman] farmers and . . . those who possess moderate fortunes [in land] have the supreme power [in some hypothetical state], the government is administered according to law. For the citizens being compelled to live by their labour have no leisure; and so they set up the authority of the law, and attend assemblies only when necessary."<sup>119</sup> It is clear that Aristotle's preference for rural farmers, rather than urban artisans, holding nominal power is not due to their being better citizens, i.e. more energetic participants in government—quite the opposite. The holding of the formal reins of power by farmers is better because as a result of their constant work and their distant residence from the city they, unlike urban dwellers, cannot freely participate in civic affairs and thereby effectively exercise *real* power at the expense of the rich.

Athens was by far the most populous Greek state. Today we tend to think of democracy as being applicable only to small polities; it is impractical, we assume, in large ones. Aristotle believed the reverse: he saw democracy as the inevitable end-form of government in the evolution of states:

[Radical] democracy is that which comes latest in the history of states. For when cities have far outgrown their original size, and their revenues have increased, all the citizens have a place in the government, through the great preponderance of the multitude; and they all, including the poor who receive pay and therefore have leisure to exercise their rights, share in the administration. Indeed, when they are paid, the common people have the most leisure, for [unlike the rich] they are not hindered by the care of their property [and] thereby prevented from taking part in the assembly or in the courts, and so the state is governed by the poor, who are a majority, and not by the laws.<sup>120</sup>

It is sobering to think that we today, possessing technical capabilities vastly superior to those of the ancient Greeks and generating unparalleled wealth through our fantastically productive collective labor, do not devote more of our time to leisure and more of our energies and resources to the task of designing and operating the sort of participatory system that the relatively primitive Athenians enjoyed. Instead of utilizing our strength in numbers as they did, we

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<sup>117</sup> Aristotle, 1292a24.

<sup>118</sup> Aristotle, 1304b21-1305a8.

<sup>119</sup> Aristotle, 1292b25.

<sup>120</sup> Aristotle, 1293a21.

lately and reflexively claim—in direct contradiction of the above insight by Aristotle—that direct political participation is impossible in modern societies because of their large populations.

Many of Aristotle's arguments have a distinctly modern ring to them. They are not as direct and crystal-clear as those of Plato, his uninhibitedly elitist predecessor. But this is to be expected. Like Plato as well as modern antidemocrats Aristotle is trying to sustain elite rule, but in a deceptive form that can more easily be foisted on the unwary masses.

#### Defense: Protagoras

In the realm of ancient Greek philosophy the theoretical contest over democracy appears to have been one-sided, with the antidemocratic side the clear winner. But this picture may reflect certain extraneous factors as much as the actual merits of the opposing positions, for instance the chance survival of the works of antidemocratic thinkers versus the loss of those of democratic thinkers (e.g. the sophists). More intellectually interesting is the fact that the ideological justification for democracy is theoretically simple while that for elitist political arrangements requires more extensive explanation and therefore seems more formidable due to its sheer elaborateness. There is an old trope that medieval theologians wrote whole tomes on the question of how many angels could dance on the head of a pin. If one believes there are no such things as angels, however, then one's writings on this subject will be very slim. In order to transcend mere human society and (theoretically) attain his ideal polity, Plato had to conjure up a phantom parallel universe out of thin air; then he had to explain and justify it to the uninitiated. Hence his voluminous dialogues. The democratic theorist, on the other hand, had (and has) much less to talk about, since the "theory" of democracy boils down to a relatively simple belief in civic equality and a respect for one's fellow citizens and their opinions.

One ancient democratic thinker nonetheless stands out. Protagoras (c. 480-410) was the first professional sophist and arguably the most influential. He was Pericles' friend and adviser. In 443 Pericles appointed him to draft a constitution for the new colony of Thurii in Italy. It is possible that Protagoras was chosen for this task because he was able to provide a theoretical justification for the democracy.<sup>121</sup> Very little more is known, however, about Protagoras' political activity. And of his writings only a handful of snippets survive. Of these the most important and apparently authentic are:

- (1) The "Two-Logoi" Fragment: There are two opposing sides to every question.
- (2) The "Stronger and Weaker Logoi" Fragment: Making the worse appear the better argument is fair practice in rhetoric.
- (3) The "Human-Measure" Fragment: Of all things the measure is Man, of the things that are, that they are; and of the things that are not, that they are not.

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<sup>121</sup> Edward Schiappa, *Protagoras and Logos* (Columbia, S.C.: University of South Carolina Press: 1991), 13.

(4) The "Impossible to Contradict" Fragment: It is impossible to contradict (i.e. to nullify any given argument by contradicting it).

(5) The "Concerning the Gods" Fragment: Concerning the gods I am unable to know whether they exist or whether they do not exist or what they are like in form. For there are many hindrances to knowledge, including the obscurity of the subject and the brevity of human life.<sup>122</sup>

Greek scholars have discussed at length the meaning of these fragments. In a recent study, Edward Schiappa has tried to rescue Protagoras' aphorisms from their seeming rank subjectivism by discerning more "positive" and sophisticated nuances in them than is evident at first sight. But such painstakingly subtle interpretations of Protagoras are unnecessary. Everything about Plato's great antagonist points to an adherence on his part to a doctrine of radical subjectivism, and, conversely, to an uncompromising opposition to philosophical objectivism and its logical concomitant: intellectual and political privilege.<sup>123</sup> His defenders need not be apologetic about this, for ultimately radical subjectivism is the only strong philosophical basis for democracy, which is grounded in a universal respect for every person's opinion, whatever it might be, and a determination to decide societal issues strictly through the common agreement of the citizenry. There is neither an objective truth/reality to be discovered nor a God to guide us; we humans have only ourselves and the universe as perceived by us.

Less direct but much more substantial information on Protagoras' doctrines is to be found in two of Plato's dialogues, the *Protagoras* and the *Theaetetus*. Cynthia Farrar, whose cogent writing on Protagoras will shortly serve as a basis for discussion, asserts that the Protagorean doctrines as they are presented by Plato are garbled, confused versions of the originals. This, however, is necessarily conjectural, since we have so little of Protagoras' own writings to go on.

### *Protagoras*

The *Protagoras* contains the best theoretical defense of democracy, such as it is, in all of Greek literature. Protagoras is the prototypical sophist; he teaches men "to speak and act in the affairs of the state."<sup>124</sup> Plato, as we have seen, has a severe problem with both the notion of a sophist and with isegoria—the right of anyone to speak in the Assembly on matters of state. Protagoras proceeds to explain to Socrates, by means of a myth, the principle behind isegoria.

At the creation, says Protagoras, Prometheus stole the manual arts from the gods and gave them to nomadic man, thus enabling the latter to survive among the physically superior beasts of the animal world. As humans evolved they discovered the advantages of living together in cities, which they then attempted to do. But in the long run they were unable to live harmoniously in society because they did not yet possess the art of government. Zeus, seeing

<sup>122</sup> Schiappa, 90, 104, 118, 134, 141-2.

<sup>123</sup> Subjectivism: meaning each person is the ultimate judge of reality and truth, which do not exist independently of individual minds in some transcendent realm.

<sup>124</sup> Plato, *Protagoras*, 319a.

humankind's predicament, sent Hermes down to distribute justice and reverence among people—but not to a favored few alone, "for cities cannot exist, if a few only share in the virtues, as in the arts." "And this is the reason," concludes Protagoras, "why the Athenians and mankind in general, when the question relates to carpentering or any other mechanical art, allow but a few to share in their deliberations. . . . But when they meet to deliberate about political virtue, which proceeds only by way of justice and wisdom, they are patient enough of any man who speaks of them . . . because they think that every man ought to share in this sort of virtue, and that states could not exist if this were otherwise."<sup>125</sup>

And to further demonstrate that virtue can be taught, Protagoras goes on to describe in detail the extensive education of young people in the Greek polis.

### *Theaetetus*

The *Theaetetus* is concerned with a key question that preoccupied the ancient philosophers, namely, What is knowledge (or reality)? In this Platonic dialogue—the most profound of the entire set in terms of abstract philosophy—Plato refrains from simply asserting, as he usually does, the existence of absolutes. Here he is genuinely trying to figure out what is real. The questions he poses impressively anticipate the most elemental problems of existence and knowledge examined by Descartes and other early modern philosophers. Answers to these fundamental questions must ultimately be proffered if one is to argue soundly for any particular system of government, for different systems are based on different epistemologies. The dialogue is wide-ranging and inconclusive. For our purposes, the first part dealing with Protagoras' doctrines is the most relevant.

Theaetetus, Socrates' companion, at first suggests that knowledge is perception. Socrates equates this pronouncement with Protagoras' famous dictum that "Man is the measure of all things, of things that are, that they are, and of those that are not, that they are not." Put another way: "[T]hings are to you such as they appear to you, and to me such as they appear to me."<sup>126</sup>

Socrates elaborates on Protagoras' understanding of the relationship between perceiver and object: Neither objects nor the qualities of objects are self-existent. Any object or quality

must have relation to a percipient; nothing can [be] sweet which is sweet to no one. . . . [Percipient and object] are . . . in relation to one another; there is a law which binds . . . one to the other . . . so that . . . a person . . . must say that [a thing] is . . . to or of or in relation to something else; but he must not say . . . that anything is . . . absolutely. . . . [M]y perception is true to me, being inseparable from my own real world, to which no other percipient has access; and, as Protagoras says, to myself I am judge of what is and what is not to me.<sup>127</sup>

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<sup>125</sup> Plato, *Protagoras*, 322d.

<sup>126</sup> Plato, *Theaetetus*, 152a.

<sup>127</sup> Plato, *Theaetetus*, 160b.



Socrates then restates Protagoras' position in more common language: "[T]he judgment which each man forms through sensation is true for him, and no man can either discern another's feelings better than he, or have any superior right to determine whether his opinion is true or false, but each . . . is to himself the sole judge, and everything that he judges is true and right."

But if this is so, asks Socrates, why should the teachings of Protagoras or of anyone else be paid any special attention or preferred to those of others? "[T]he whole art of dialectic . . . the attempt to supervise or refute the notions or opinions of others would be a tedious and enormous piece of folly, if to each man his own are right."<sup>128</sup> Protagoras' philosophy thus seems to lead to a hopeless relativism. But Plato, putting words in Protagoras' mouth (he was not actually present at this discussion with Theaetetus), has him respond in his own defense. The wise man or sophist, he explains, cannot and does not change the fact that each person is his own measure of existence and non-existence, his own judge of truth and justice. But he does change people's minds for the better. This the sophist accomplishes by means of words and argument. He causes men with inferior minds to have better—not truer—thoughts. Thus "the wise and good rhetoricians make the good instead of the evil seem just to states." Put a little differently: "what the wise man does is to cause good to appear, and be real, for each [state] instead of evil. And in like manner the sophist who is able to train his pupils in this spirit is a wise man, and deserves to be well paid by them."<sup>129</sup>

Not unexpectedly, Plato rejects Protagoras' argument. The world is full of people who recognize their own ignorance and who look to wise men or to the authorities to teach them the truth. "Rulers of men" in turn believe they possess true (absolute, not subjective) knowledge and superior abilities. All of this shows the "absurdity . . . necessarily involved in the thesis which declares man to be the measure of all things."<sup>130</sup>



Out of the surviving fragments, the above Platonic dialogues, and other sources, Cynthia Farrar perceives a piecemeal but recoverable Protagorean theory. Protagoras was responding to the philosopher Parmenides, who, anticipating Plato, held a two-universe view of things: there is a unitary, unchanging world of true being and there is a realm of illusory appearance. In opposition to Parmenides, Protagoras argued that what is cannot be separated from what appears to be. In other words, the only reality we have access to is our personal experience, and it is only on the basis of the evidential material from this realm that we can determine what we take to be truth and knowledge.<sup>131</sup> An important corollary of this doctrine of a single reality ("man-measure") is that no person can have privileged insight into the nature of "true

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<sup>128</sup> Plato, *Theaetetus*, 161d-e.

<sup>129</sup> Plato, *Theaetetus*, 166d-167c.

<sup>130</sup> Plato, *Theaetetus*, 170a-c.

<sup>131</sup> Farrar, 48.

being," which, as a suprahuman sphere, is by definition unknowable. A second consequence of the man-measure thesis is that each person "measures" not only his own thoughts and perceptions but also those of the people around him (as expressed by them). More specifically, and more germane to a discussion of politics, "the only way of resolving what is the case" and what should be done in society is "through analysis and comparison of the experiences" and opinions of the various members of the polity.<sup>132</sup>

It is significant in this connection that the words used to introduce Assembly decrees in Athens were "It appeared right to the citizenry . . ." There was no necessary reference to any preexisting, absolute law or standard. As Josiah Ober puts it, "The citizen Assembly was preeminently the realm of competitive speech, opinion, and collective interpretation," not of authoritative pronouncement on any supposedly objective reality.<sup>133</sup> Protagoras' theory as further embodied in the "Two-Logoi" and the "Stronger and Weaker Logoi" propositions meant that "in political discussions in the assembly, all claims could be questioned, and no one disputant could trump the others by appealing to some privileged access to things as they really are." Instead the arguments employed by speakers had to be assessed on the basis of their persuasiveness or plausibility. Disputants could show one another to be mistaken and therefore could correct each other, but no one was wrong in an absolute sense, and the sentiments of all those who expressed them had to be taken into account.<sup>134</sup>

Despite Protagoras' doctrine that "man is the measure," however, Farrar maintains that he is not propounding subjectivism or relativism, i.e. the existence of "private worlds of incorrigible experience."<sup>135</sup> Rather, to Protagoras, people's experiences are necessarily conditioned by general human standards: "[S]ome ways of perceiving the world are characteristic of men as they naturally and regularly are."<sup>136</sup> Thus the doctor knows what the normal condition of a person is and treats him or her accordingly, while the politician is familiar with the citizens' beliefs and ways of thinking, which he largely shares, and from this common cultural and intellectual grounding he proceeds to reason with and persuade them.<sup>137</sup>

Like other historians, Farrar is here trying to moderate Protagoras despite his manifest radicalism. A common culture or set of values certainly does enable people to communicate and engage effectively with one another. Yet, notwithstanding the necessity of a modicum of commonality for smooth and fruitful social interaction, societal standards are at bottom nothing other than agglomerations of so many individuals' subjective thoughts, desires, perceptions, or beliefs, with no one among them being intrinsically superior to any of the others, no matter how many people share it. It is for this reason that it is entirely legitimate for any person or group to challenge any societal standard at any time and to try to change people's minds about it. In other words, there is no "General Will" or "collective consciousness" independent of individuals' wills;

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<sup>132</sup> Farrar, 50.

<sup>133</sup> Ober, *Political Dissent*, 35, 59.

<sup>134</sup> Farrar, 64.

<sup>135</sup> Farrar, 49.

<sup>136</sup> Farrar, 70.

<sup>137</sup> Farrar, 74.

nor is there any *objectively* normal human condition or standard. The normal is what is common or commonsensical, conventional or expected, and civil society could hardly function if we did not assume, for the sake of convenience, countless things to be "normal." But the normal or customary is in no sense *absolutely* correct or right. The instant anyone introduces into politics a claim of an absolute, objective standard, privileged intransigence naturally follows, for those who feel they know the absolute will then feel justified in disregarding any mere majority vote on it. Democracy, however, allows for the examination and reassessment of any standard at any time. Those standards that are upheld are upheld because they are expressly affirmed by the majority, not because of any claim that they are intrinsically right or because they are long-standing customs. Conversely, no standard voted out by the majority is retained on the grounds of either absolute correctness or tradition.

Plato's interpretation of Protagoras' doctrine as subjectivist is not incompatible with a recognition that humans in society share many traits and "virtues." But Protagoras' "man" in "man is the measure" cannot, ultimately, mean collective man, as Farrar argues. Rather, as Plato has him in the *Theaetetus*, he is an individual. Each person is his or her own measure. At any given moment most people share a great many opinions and values, but, when it comes to deciding on major issues, agreement on any *particular* question can never be assumed; the opinion on it of each person in the polity must be found out and recorded. This is why in a democratic Assembly measures are discussed by the actual attendees, explicit agreement among them is sought, and a vote and tally is always taken. The declared majority decision is then unfailingly accepted regardless of any preexisting value or norm or any previous policy preference held by the people.

Farrar further asserts that "In the polis, and especially the democratic polis, the citizens are autonomous and self-disciplining, and the policy-making power of the community is not regarded as external to the individual. . . . [S]ocial harmony is the result of internal (not institutional) constraints." Political interaction itself cultivates "social virtues" and political society overcomes narrow self-interest and produces rational men.<sup>138</sup> This is an idyllic view and a false one. Society is *not* self-regulating; conflict is endemic to it. There are always some people, especially among the rich and powerful, whose outsized egos and special interests make them immune to public reason and heedless of social harmony, i.e. irredeemably selfish and irrational from the point of view of the people as a whole, and this is exactly why the institutional machinery of democracy is necessary in the first place. Elites by nature do not care to submit to the will of the majority. But in a democracy the wills of individuals and minorities (electoral, not demographic) are not allowed to obstruct the majority will, which may indeed need to be coercively—"externally"—imposed.

These objections to a couple of Farrar's assertions might appear on the surface to be minor quibbles. They are not. The type of hedging that Farrar displays with regard to radical subjectivism—a not uncommon attitude among both philosophers and other commentators—has major political consequences. It prevents leftists from following Protagoras' position to its logical institutional

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<sup>138</sup> Farrar, 92, 94, 97.

conclusion, which is that democracy is *nothing more nor less* than the process of continually tabulating individual choices on policy questions in order to arrive at collective decisions. Such instantaneous, unhindered decision-making has no necessary respect for deep-rooted culture, much less minority opinion. Nor does it obviate the need for a coercive apparatus to enforce majority decisions. In other words, democracy is the antithesis of a society blissfully running on automatic pilot—as orthodox utopian socialism imagines the ideal society to be. It is instead a dynamic, protean, and willful organism whose policy directions will not necessarily conform at all times with those preferred by leftists.



Plato and his philosophical opponents were struggling with the most fundamental issues of philosophy, issues that are at the heart not only of political philosophy but of practical politics as well. For politics is no game, although in some societies we are encouraged to believe that it is, and to play along. The Greeks knew better. What is reality? Plato saw that in the answer to this crucial, elemental question lay the key to his ideal state and, conversely, to his attack on the Athenian democracy. Of the correct answer Plato was certain: there exist objectively true knowledge, objective reality, and absolute justice. From this it naturally follows that the state should be grounded on these verities, and that the mere will of common people must be subordinated to them. It is this powerful logic that the democrat—whether of yesterday or today—must counter.

Modern leftists would probably be horrified at being accused of antidemocratic Platonic thinking, but this is precisely what some of them engage in when they (1) carry on about "social justice" as if it were some inviolable cosmic law code (which they are peculiarly able to discern) rather than simply their eminently challengeable personal views, (2) oppose the idea of the unfiltered, unmediated, and unqualified rule of the majority (i.e. no matter what it decides), and (3) downplay the importance of the decision-making process itself—the political system—so long as they win on the policy questions that concern them. This way of thinking, well-intentioned though it might be, ultimately leads toward dictatorship—as history has shown.

#### MODERN ANALYSES

Josiah Ober agrees, as do most historians of Athens, with the ancients: "The demos . . . was master of Athens."<sup>139</sup> Yet, although the Athenians believed in political equality among citizens, they did not insist on absolute socio-economic equality. In other words, there were elites in Athens and their existence was tolerated by the democracy. The intriguing, indeed vital, question is how the resultant tension between mass and elite was handled by the system, as it evidently was, since Athens was a remarkably stable society for almost two hundred years despite its two coups and the constant Greek wars.

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<sup>139</sup> Ober, *Mass and Elite*, 8.

Ober finds it fascinating that, contrary to Robert Michel's "Iron Law of Oligarchy," the elite of Athens never became a *ruling* elite. The Athenian demos found a way to contain and control its elite leaders. The key, Ober maintains, was the "power of communication between citizens—especially between ordinary and elite citizens . . . in public arenas: the peoples' courts, the Assembly, the theater, and the agora. This process of communication constituted the 'discourse of Athenian democracy,'" and it helped to promote and maintain social harmony.<sup>140</sup>

The constitutional reforms of Cleisthenes (508) and Ephialtes (461) greatly reduced the influence and authority of formerly elite-run institutions and vastly increased the power of the Council of Five Hundred and the Assembly, "mass bodies" open to all citizens (see Appendix B). Yet "the masses still needed leaders, experienced men who could think through the best policy for the state and who would be willing to take a leading role in advocating that policy in the Council and Assembly."<sup>141</sup> In the new democracy able and ambitious elites became, instead of *rulers*, political *leaders* who had to win the demos over if they were to see their programs prevail. Hence the paramount importance to all citizens in Athens of mass communication and persuasion and, to the politician in particular, of speaking ability, i.e. rhetoric.

Ober points out that our modern English equivalents for "leader" are president, governor, chairman, director, etc. Such positions may require some speaking ability, but in each case it is the office itself, not the verbal persuasiveness of the officer, that is the final source of the officeholder's power. By contrast, the "vocabulary of political activism in Athens [rhetor, orator, speaker, demagogue, advisor] reveals that direct public communication was the primary locus of whatever power, authority, or influence the Athenian [leader] might hope to exercise."<sup>142</sup> Indeed, "Skill in public address was sine qua non for the politician."<sup>143</sup> This premium on speaking ability meant that the "professional" politicians of Athens (technically they were all amateurs since they were not paid for their special services) would tend to be educated, of superior intelligence, and, inevitably, of comfortable means. While anyone had the right to address the Assembly, and ordinary persons at times did, the demos did not tolerate just anyone getting up and jabbering aimlessly. Ineffective speakers would literally be shouted down; if necessary they would be dragged away by the constables. In any event, addressing a large audience (the Assembly was a gathering of 6,000 sober citizens!) was at Athens, as it is anywhere in any era, not a matter to be taken lightly.

Yet, because the demos was truly sovereign, because "[t]he actions of the Athenian politician[s] were so carefully scrutinized, the privileges granted [them] so provisional," popular control was built into the system. "The masses," explains Ober, "set the rules and always acted as combined referee and scorekeeper. . . . As a result, the orators were never able to define a sphere of . . .

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<sup>140</sup> Ober, *Mass and Elite*, 35.

<sup>141</sup> Ober, *Mass and Elite*, 85.

<sup>142</sup> Ober, *Mass and Elite*, 107. "rhetor" = "rhetorician."

<sup>143</sup> Ober, *Mass and Elite*, 113.

authority . . . or power for themselves that was independent of the continued goodwill of the people."<sup>144</sup> Greg Anderson similarly observes that while

a peculiarly successful elite politician, like a Pericles or a Cimon, could exercise a decisive de facto influence over the direction of the state for a decade or longer . . . with the overall direction of the polis now [once democracy was achieved in Athens] a matter for open, public deliberation, ambitious elites were forced to compete with one another for the minds and votes of their more lowly fellows if they wished to exercise influence over political outcomes. And as individual success in politics came increasingly to be measured in terms of popular appeal, so elite politicians became more directly accountable to nonelite citizens than ever before.

Combined with the extraordinary degree of direct involvement by ordinary citizens in the routine governance of the state, this new leader-citizen relationship broke the age-old "elite stranglehold on the political process."<sup>145</sup>

Politicians and their policies, and elites in general, were judged not only in the Assembly but also in the courts. Athenian courts were huge by today's standards: two hundred randomly selected citizens for a simple trial and even larger juries for especially important cases. They were thus true random, representative samples of the population, unlike the handpicked, 12-person juries of today. The prosecutors and defendants addressed the jurors directly; there were no separate judges. As far as the Athenians were concerned, the people's courts represented the sovereign demos just as much as did the Assembly, although there were a couple of differences between the two: juries generally consisted of a lower class of people than Assembly audiences, and the interactions in Athenian courts tended to be more personal and heated than those in the Assembly (as in all courts everywhere compared to legislative bodies). Most interestingly, however, Athenian law and the Athenian courts were not merely or even primarily realms of formal, static legal standards. Rather, legal action was a manifestation of "ongoing communication between Athenians" and of "the power of the masses to judge the actions and behavior of elite individuals."<sup>146</sup> Seen in this light, the notorious decisions of Athenian courts do not appear so irregular. No less than the other major institutions of the Athenian polity, they were principally "public forums of debate and communication."<sup>147</sup>

Jennifer Tolbert Roberts expands on the role of legal proceedings in Athenian politics. The city's leaders and officers, she notes, labored under a rigorous system of judicial control, so much so that both ancient and modern critics have characterized the manner in which the demos exercised its power as despotic. Many times in Thucydides and Xenophon we hear of generals being afraid to make a false move lest they provoke the demos, or even fearful of returning to Athens after a botched campaign. More Athenian generals, in fact, were sentenced to death in court than died in battle (and these were the days

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<sup>144</sup> Ober, *Mass and Elite*, 336.

<sup>145</sup> Anderson, *Athenian Experiment*, 76.

<sup>146</sup> Ober, *Mass and Elite*, 145.

<sup>147</sup> Ober, *Mass and Elite*, 127.

when even the highest officers accompanied their troops in the field).<sup>148</sup> Fifty are known to have been impeached.<sup>149</sup> The charges included treason, embezzlement, and bribe-taking.

Roberts suggests, however, that such charges should not be taken too literally. When generals were tried in court they may indeed have been charged, technically, with some crime. But often the legal accusation was "trivial," as Diodorus puts it in the case of Pericles when he was temporarily deposed in 430 in the midst of the Peloponnesian War. Many times what was really at stake was the direction of policy. Pericles, for example, was tried and (probably) convicted for embezzlement, but the real reason he was deposed was that the Athenians at that moment saw an opportunity for peace with Sparta. When Sparta rebuffed their overtures even with the hawkish Pericles out of office, they had no choice but to continue the war and return its management to the most capable strategist they had.

Another famous impeachment case is that of Aeschines during the time of Philip of Macedon's growing threat to Athens. Aeschines was accused of disobeying his instructions as an ambassador to Philip and of taking bribes from him. But the real issue was a divergence in policy positions between Aeschines and his fellow ambassador, Demosthenes. Demosthenes no longer wanted to pursue peace with Macedonia, and in this policy shift he had the Athenians on his side. Aeschines, who was overtly friendly with Philip, served as a handy scapegoat. "[W]hen Athenian courts sat in judgment on their officials," Roberts explains, "they did not suffer fools gladly. Aeschines had acted like a fool," regardless of his technical guilt or innocence.<sup>150</sup>

Factional strife and sometimes personal rivalry explain many other cases, such as the impeachment trial of Cimon in the 460s during a period of ideological struggle and competition for leadership between Cimon's pro-Spartan party and the democratic imperialists led by Ephialtes and Pericles. Plain incompetence, if not criminal negligence, was also at times a reason why the Athenians deposed generals. The Arginusae trial may have been an incident of this type, though Roberts sees it as an example of personal rivalries.

The Athenians thus used "accountability trials" as "arenas for the airing and settling of partisan or policy questions," as votes of no-confidence, or as courts-martial.<sup>151</sup> This "machinery of control" was an important means by which the demos contained its officials and prevented them from posing a threat to the democracy. In sum, "the system succeeded in ensuring that commanders would follow not their own consciences, thereby instituting a kind of representative government, but rather . . . would take care to follow the policy of the people, whatever it might be, thereby maintaining the democratic government."<sup>152</sup> As a result of such stringent control, some men of ability may have been discouraged from entering public life out of fear of punishment by the sovereign demos, but clearly many excellent political and military leaders still

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<sup>148</sup> Jennifer Tolbert Roberts, *Accountability in Athenian Government* (Madison: University of Wisconsin Press, 1982), 20.

<sup>149</sup> Roberts, *Accountability*, 26.

<sup>150</sup> Roberts, *Accountability*, 53.

<sup>151</sup> Roberts, *Accountability*, 168.

<sup>152</sup> Roberts, *Accountability*, 179.

served the Athenians. (The question of the propriety of political trials will be revisited shortly.)



The Athenian political system was a democracy. Anyone who is skeptical of this need only consider the enmity toward it of Plato and Aristotle. Plato was a committed antidemocrat and manifestly an extremely intelligent man. He would not have spent his entire life inveighing against the principles undergirding the Athenian state if its government had not been democratic. Aristotle was an acutely perceptive observer. He knew democracy when he saw it, and he saw it in Athens.

This is not to say that Athens was *perfectly* democratic. It was not. Not all its inhabitants were citizens, and even the citizens never literally assembled or otherwise legislated all at once. But perfection is for gods, not mere humans. More to the point, it must not be forgotten that ancient Athens was just that—*ancient* and therefore in some ways inevitably alien to us, most notably regarding the political status of slaves and women. Yet, non-citizens aside, there existed in Athens, as in pretty much all societies throughout history, a variety of socioeconomic classes among the free men; that is, there were rich men, poor men, and those in between. The Assembly and other Athenian governmental institutions were broadly and truly representative of *this* society. Uniquely in Athens and other similar Greek states, free men from all socioeconomic sectors of the political community constituted the sovereign and participated directly in government by occupying the various offices and organs of state on a massive scale. This is much more than can be said of our so-called democracies today. Strictly speaking, modern liberal-representative government is an elective form—historically the archetypal form—of oligarchy, and it does its designated job of empowering the upper class splendidly.



One of the things about Loren Samons' *What's Wrong with Democracy?* that makes it worthy of consideration in a concluding assessment of Athens is that it conveniently runs through most of those actions and policies of the Athenians that have commonly been judged faults or failures by hostile critics. These are mostly to do with the Athenians' oppression of other Greek states, their harsh treatment of their own leaders, and their weak response to Philip's aggression (see Appendix C). I of course have argued that the content of the decisions made by the rulers of any given society is irrelevant to the taxonomical question of that society's form of government. Athens was democratic. It was democratic because the demos ruled. The modern observer may or may not approve of the demos' pursuit of empire (the issue is not as cut and dried as it is usually made out to be), but such concerns with particular Athenian policies should not prevent anyone from appreciating the democratic nature of Athens.

Now, democracy is by definition the system of government that professed democrats favor. It has been admitted, however, that the Athenian democracy



was an imperfect one, and a resolute critique such as Samons' encourages the democratic partisan to consider in hindsight how the Athenian system might have been improved, such that ill-advised decisions and policies might have been avoided or minimized. Naturally this is about the same as to delineate how one would, if one could, make a democracy—today—different from that of ancient Athens.

First and most obviously, a modern ideal democracy would not have any unenfranchised residents. All the people would be citizens. In Athens this would have greatly expanded the citizenry to include both women and those who were slaves and "foreigners." One can imagine that the enfranchisement of women might have led to a rather less militant and imperialistic Athenian foreign policy, since it is probably the case that women tend to be less martial than men. If anyone were to argue in contradiction that in "modern democracies," where women have the vote, governments are nonetheless militaristic, I would point out that modern governments are *not* democratic; they are instead oligarchies in which the rulers are largely upper-class men, with the few women among them also upper-class and thus not representative of women in general. As for slaves and metics, their enfranchisement would naturally have shifted Athenian policies more toward the relatively humble interests of the working class.

Second, in an ideal democracy there would be multiple sovereign assemblies, since no sizable society can be adequately served by just one. The many assemblies would take place simultaneously in all the nation's communities at each time of meeting and *everyone* would easily be able to attend. Thus all adult citizens, not just those living close to a single metropolitan meeting place, could freely participate in politics. These assemblies would be much more encompassing of the entire people than any solitary assembly could ever be.

Third, a democracy should ideally be less personality-driven than was that of Athens. There should be no ostracism or political trials, certainly not to the point where natural leaders are treated as scapegoats for the people's own errors and consequently made afraid to serve the state. The courts should be restricted to criminal prosecutions (including those of politicians in instances of actual malfeasance) and other legal cases and not turned into arenas for the resolution of policy disputes, which should be the preserve of, and confined to, the legislative assemblies.

Fourth, in a perfect democracy there would be no popular election of *any* major officials. This would eliminate the elevation of certain individuals virtually to the position of "first citizens," with the mantle of leadership all but formally conferred upon them. Such was the situation at times in Athens with their elected generals. Military officials should instead be selected by the executive council in the same way as other bureaucrats and technicians, based on whatever criteria the council deems appropriate. It is then made clear that generals are public servants under a democratic government, not privileged leaders with some kind of popular mandate to do as they wish. The persons who represent the state at any given moment are those selected by lot to head the council for only a very short time, while the veritable leaders are those

individuals whom the population learns to trust over time due to their manifest wisdom regardless of their official positions.

There are undoubtedly other ways in which Athens' democracy fell short of the ideal. Whether or not the corrections suggested above would have altered the Athenians' conduct sufficiently and in such a way as to satisfy the critics is of course unknowable. But the larger point is that if a democratic polity is found to engage systematically—not just occasionally, which is inevitable—in objectionable acts, the preferred solution is to improve its system in a democratic direction, i.e. to make it *more* democratic, not, as Samons recommends, to reject democracy entirely. This presumes, however, that one values collective freedom above all else, such a valuation being the central premise of democracy. But Samons, like other philosophical objectivists, instead accords primacy to particular "goals and standards . . . that lie beyond a system of government . . . [which is merely] a tool created by human beings in order to achieve some end . . . such as a better or more just society."<sup>153</sup> Innocent and reasonable as this alternative orientation might sound, it is, as has been demonstrated repeatedly, quite antithetical to democracy, which has no a priori ends of any sort but rather is precisely nothing more nor less than a system of government of a very special kind.

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<sup>153</sup> Loren Samons, *What's Wrong with Democracy?* (Berkeley: University of California Press, 2004), 13.

## PART TWO: ENGLAND

### II. KING VS. NOBILITY

Charles Petrie, writing in 1965, observed that

It is not easy in this latter half of the twentieth century to recapture the spirit of the Middle Ages, yet so far as institutions are concerned we are its heirs. For all their glamour the Athenian Assembly and the Roman Senate are mere names today, and the governments of England, France and the United States have their roots, not in the systems that flourished on the Acropolis or by the Tiber, but in those that were slowly and painfully evolved by Angles, Saxons and Franks, in a stage of civilization which to the cultured Athenian or Roman would have appeared little, if at all, removed from barbarism.<sup>1</sup>

Athens was a democracy. But this ancient state was conquered after two centuries of independent existence and the democracy was suppressed. A thousand years later, in medieval Europe, we encounter an utterly different and, from the democratic point of view, a vastly regressed state of political affairs. It is out of the medieval monarchy, specifically that of England, that the modern representative system grew. From its beginnings until now this system has been oligarchic. A certain level of knowledge concerning the nature of monarchy and the genesis of the representative system, with its concomitant struggles, is thus essential if we in the modern era are to understand where we now lie on the grand scale of political development. It is only by recognizing how low a point we started from that we can see how far we have risen and how much farther we have yet to progress. In this chapter we will delineate the broad currents of English political history up to the sixteenth century, which are as follows:

The invading Anglo-Saxons established monarchy early on in the territory of England. The Normans, upon conquering Anglo-Saxon England in their turn, brought the monarchical system to its apogee: the king—alone and personally—was sovereign, even tyrannical. The aristocracy, represented by the baronage, first opposed the Crown on a national scale and in principled fashion in the reign of King John, demanding of the Crown respect for its privileges and even a share in government. Hence Magna Carta. The minority of Henry III, John's son, then presented the barons with an opportunity, for the first time in post-conquest English history, to rule the kingdom independently of the king. That experience, coupled with the inadequacy of Henry when he reached adulthood, gave rise to the first revolution in England, the remarkable Revolution of 1258 (more often called the "Barons' War").<sup>2</sup> During the reign of Henry's son, Edward I, a new institution emanating from the recent revolution, the representative Parliament, started to become firmly established in England.

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<sup>1</sup> Forward to Tufton Beamish, *Battle Royal: A New Account of Simon de Montfort's Struggle Against Henry III* (New York: Barnes & Noble, 1966), 29.

<sup>2</sup> Outside of this chapter the term "English Revolution" will be understood to mean that of the seventeenth century, since the revolution of 1258 is both less well known and, though highly significant, of secondary importance.

Henceforth the barons along with the Commons in Parliament increasingly asserted themselves against the Crown, colliding especially violently with substandard kings, starting with Edward II. Finally, in the person of Henry VI the nation suffered the reign of a king who was not merely incompetent but actually insane. The result was the most severe dynastic struggle in England's history. A capable new king, however, emerged from the Wars of the Roses in the person of Henry Tudor. The monarchy was temporarily reprieved. But the Tudor ascendancy was only the quiet before the greatest storm of all.

## THE NORMAN CONQUEST

Julius Caesar first invaded the British Isles in 55 B.C., but the Roman occupation of Britain did not commence until a century later, following a second, more energetic and decisive invasion undertaken by Claudius. The Roman occupation lasted until the fifth century A.D., yet it is only with the appearance of invading Anglo-Saxons at that time that the enduring outlines of English political institutions began to take shape.<sup>3</sup> From the earliest days of Anglo-Saxon settlement the island was divided into a number of kingdoms, the governments of which were small and rudimentary. Each king lived on the income from his own estates, supplemented by payments in kind from his subjects. Kings were not expected to do a great deal besides lead their people in war, which themselves were pretty limited affairs.<sup>4</sup>

The earliest Anglo-Saxon kings were pagan. But in time, with encouragement from Rome (which was still influential, but now only through the Church), they converted to Christianity, and this phenomenon facilitated the advance of monarchical predominance. For the king was now considered not only supreme lord of all men in his kingdom but also God's vicar on earth. Churchmen taught that a consecrated king had dominion over all his subjects, who "cannot shake his yoke from their necks."<sup>5</sup> By the tenth century the mystique of kingship, and with it the effective power of the king, had grown to great heights.<sup>6</sup> Beyond this gradual evolution, however, it was the impetus of the Norman Conquest of 1066 that propelled the monarchy into stratospheric preeminence within English society.

The Conquest resulted, by means of the Normans' wholesale usurpation of the country's land, in the unparalleled enrichment of the relatively few invaders and "the almost total disinheritance of the [more broadly diffused] native ruling class."<sup>7</sup> It was an extreme and unprecedented concentration in the landed wealth of England, with over 50 percent of it falling into the hands of just a couple of hundred Normans. With the size of the royal demesne itself having doubled, the king was now the preeminent landowner in the country, and royal control

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<sup>3</sup> Theodore Plucknett, *Taswell-Langmead's English Constitutional History* (London: Sweet & Maxwell, 1960), 2; W. E. Lunt, *History of England* (New York: Harper, 1957), 22-3.

<sup>4</sup> D. J. V. Fisher, *The Anglo-Saxon Age* (London: Longman, 1973), 133.

<sup>5</sup> Fisher, 250, 255; Allan Lloyd, *King John* (Newton Abbot: David & Charles, 1973), 88.

<sup>6</sup> Fisher, 345.

<sup>7</sup> Brian Golding, *Conquest and Colonisation: The Normans in Britain, 1066-1100* (New York: St. Martin's Press, 1994), 82.

increased accordingly. In a society where land was "the paramount currency of power," William the Conqueror's dominance was thus assured.<sup>8</sup>

It is debated among historians whether the Normans introduced feudalism, with its marked hierarchy, as a novel system into England or whether it was already well developed there when they arrived. The general consensus is that insofar as basic socioeconomic arrangements are concerned, there was no great transformation. Anglo-Saxon society was already strongly hierarchical. Even before the Conquest great men in England granted land and privileges to inferior men who sought lords. This process, broadly speaking, is just what European feudalism was about: a personal bond between two free men, lord and vassal, and a method of land tenure through which the latter held a fief of the former.<sup>9</sup> Peasants in turn were bound to landholders great and small as tenants, rendering service and rent in return for the use of the land.<sup>10</sup> The change associated with the Conquest was not so much the imposition of a completely new system as the existing system's refinement and intensification under a new set of rulers who were familiar with a more mature version of it. The Normans had a more exploitative attitude toward land than did the Anglo-Saxons, and the dynamic of preponderant landed supremacy associated with Normandy's advanced feudalism was quite congenial to them. Transplanted to England, great families of alien origin established themselves through the acquisition of vast estates, while rents increased and labour services grew more onerous for the natives.<sup>11</sup> The converse of the now hyper-powerful aristocracy and monarchy was a large class of men "subject to labour service on the lord's demesne, answerable for misdeeds at the lord's manorial court . . . indiscriminately serfs or villeins."<sup>12</sup>

A seamless pyramidal hierarchy was built up, with King William at its apex: all land belonged to the king and everyone else merely held of him. William made sure that his vassals would not band together into independent bastions of power. In 1086 he made them do homage to him rather than to their immediate lords, as had been the customary English feudal practice.<sup>13</sup> The Conqueror was a man of exceptional ability, energy, and ambition. He improved the organization of central government, intensified the supervision of local government, and exercised the royal authority more autocratically than any English king had ever done before, thereby distancing himself from his barons.

While William I was no doubt a stern ruler, his son and successor William Rufus (r. 1087-1100) is generally considered to have been an outright despot who subjected the English people to systematic oppression and extortion.<sup>14</sup> Rufus, however, died prematurely. As a result of his depredations the new king, his brother Henry I (r. 1100-1135), felt compelled to issue a Charter of Liberties—an adaptation of the traditional coronation oath—so as to win back

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<sup>8</sup> Golding, 61, 65; D. J. A. Matthew, *The Norman Conquest* (London: Batsford, 1966), 97.

<sup>9</sup> Frank Barlow, *The Feudal Kingdom of England, 1042-1216* (London: Longman, 1988), 6.

<sup>10</sup> Barlow, *Feudal Kingdom*, 9.

<sup>11</sup> H. R. Loyn, *The Norman Conquest* (New York: Harper & Row, 1969), 184, 185.

<sup>12</sup> Loyn, 192.

<sup>13</sup> Barlow, *Feudal Kingdom*, 109.

<sup>14</sup> Plucknett, 47.

the affection of his subjects.<sup>15</sup> Not only did Henry succeed in this ploy but, through further organization and centralization of the monarchy, he eventually attained a power even greater than that exercised by his father or his brother.<sup>16</sup> After an interlude of anarchy spanning the chaotic reign of Stephen, the growth of monarchical power continued unabated under Henry II (r. 1154-89) and Richard I (r. 1189-99). But finally, under John (r. 1199-1216), the royal aggrandizement went too far. The barons united in an attempt to confine monarchy within reasonable—to their minds traditional—limits. By the end of the twelfth century the greater men of the realm had come to feel that they possessed a number of rights that should be universally respected, and that the king should not attempt to rule without the involvement and consent of his subjects.

#### KING JOHN AND MAGNA CARTA

The movement that led to the promulgation of Magna Carta in 1215 was the first great rebellion against the settled Anglo-Norman monarchy. Two sets of factors combined to give rise to this eruption: (1) the growing cost of government and war, the consequent necessity of higher taxation, and the increasing intrusion of government into the lives of the people generally; and (2) the geographic duality (English/continental) of the Angevin Empire and the personality of King John. While the first set of factors was indicative of the increasing complexity of society, the second was a manifestation of the inherently personal nature of monarchy.

By the end of the twelfth century England's wars over her kings' insecure domains on the continent had become hugely expensive operations, far beyond the capacity of normal Crown revenues to finance. This circumstance led to the development by the Crown of new means by which to raise funds. War had become "the compulsive urgency behind administrative experiment."<sup>17</sup>

Traditionally kings were entitled to reliefs, i.e. inheritance fees paid by tenants-in-chief. They controlled their own vast estates and those of royal wards. They possessed special hunting rights in the realm's forests. They had the right to demand from their subjects occasional monetary aid as well as military service within the kingdom. And they had the responsibility and the honor of providing justice to their vassals. No one denied kings these modest, long-standing rights and privileges. The Angevin kings, however, extended them far beyond the norm. The result was exorbitant reliefs; profits well above the ancient farms from all lands owned or controlled by the Crown; a monopoly on the development of both royal and private land within the so-called royal forest; the comprehensive taxation of all land and chattels; the expectation that vassals would serve militarily for long periods on the continent; and a centralized judicial system that eroded the authority and jurisdiction of the local feudal courts and became a major source of profit for the Crown.<sup>18</sup>

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<sup>15</sup> Plucknett, 49.

<sup>16</sup> Plucknett, 57.

<sup>17</sup> J. C. Holt, *Magna Carta*, 2d ed. (Cambridge: Cambridge University Press, 1992), 25.

<sup>18</sup> Holt, 29.

Moreover, kings "overrode, ignored and exploited such law as there was to their own convenience. . . . All used the threat or fact of imprisonment as a potent deterrent."<sup>19</sup> Medieval men greatly prized seisin: legal title to the possession of an estate. And yet they were peculiarly vulnerable to losing it to the Crown, due either to straightforward indebtedness to the king or to the onerous pecuniary penalties he imposed on them for various infractions. And, as if the Crown's broad executive powers were not enough, the king was also able to manipulate justice to suit his purposes. Henry II and John routinely intervened in legal affairs to ensure that the resultant judgments favored their friends and penalized their opponents. John's writs sometimes assumed that customary procedure would automatically give way to royal will and discretion.<sup>20</sup>

While we today expect all public actions on the part of our governors to conform to the law, which itself is expected to have been arrived at through established procedures, in the twelfth century it was commonly accepted that both the law and the king's independent will had a rightful place in the constitution of the state.<sup>21</sup> This "dualistic constitutional doctrine" is exemplified by the belief of the contemporary political commentator Richard fitz Neal that forest law in particular was governed not by common law but by the arbitrary decree of the king, and that the actions of kings derived "sometimes from the laws of their countries, sometimes from the secret devices of their own hearts and sometimes even from their mere arbitrary will." But in no case did the king's subjects have the right to question, much less condemn, his actions. "For those whose hearts are in the hand of God, and to whom God himself has committed the sole care of their subjects, stand or fall by God's judgement and not man's." Widely accepted also at this time was the (Roman) Justinian doctrine that "what pleases the prince has the force of law."<sup>22</sup>

Alongside such absolutist notions as these—the "official ideology" of the day—there also existed loose ideas about the responsibility attendant on royal power, the primacy of the interests and safety of the realm and its inhabitants, and the traditional distinction between kingship and tyranny, the latter being characterized by arbitrariness and disregard of due legal process.<sup>23</sup> Kings, subjects, and lawyers all invoked, as the particular case suited them, the three foundations of medieval law: royal will, custom, and equity.

The problem that was arising, then, was not the mere fact of monarchical power, which after all was an ancient and universally accepted phenomenon, but its unregulated, unchecked, and increasingly arbitrary expansion under the Angevins, starting with Henry II, John's father. As the burden of the royal imposition grew heavier on the shoulders of English noblemen, the view slowly arose among them that controls of some kind had to be placed on the behavior of the king. It was this conviction that led to Magna Carta.

The drafters of Magna Carta, though they essentially established new laws, nonetheless did not stray far from the social and political experiences of

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<sup>19</sup> Holt, 82.

<sup>20</sup> Holt, 83.

<sup>21</sup> Holt, 84.

<sup>22</sup> Holt, 86.

<sup>23</sup> Holt, 87, 89, 92.

Englishmen. It was not their intention to do so; they felt they had custom on their side. By no means were they consciously attempting to impose a new political order on society. This is why the authors of the Charter could deal easily enough with judicial questions concerning customary feudal relations between the king and his tenants-in-chief. But when it came to systematic, routine involvement by subjects in the administrative or policy-making functions of the government, much less any deliberate restructuring of government, they had few ideas on, or interest in, these matters. In comparison to later and more radical initiatives, therefore, some historians deem Magna Carta to have been an inadequate or even "reactionary" work.<sup>24</sup>

It is undeniable, however, that in those areas that were familiar to the realm's greater subjects, "the achievement of 1215 was considerable."<sup>25</sup> For the first time the magnates themselves, independently of the king, undertook to regulate the tenurial relationships between Crown and subject, i.e. the law of the land. Moreover, in toto the provisions of the Charter constituted, as J. C. Holt sums up, "a remarkable statement of the rights of the governed and of the principle that the king should be ruled by law."<sup>26</sup> As the first enunciation of such rights and principles in a national constitutional document in England, Magna Carta was without doubt a great accomplishment.



Irrespective of the particular occupant of the throne, the office of medieval monarch combined, as Allan Lloyd puts it, "profound emotional potency" with "sweeping functional powers."<sup>27</sup> Christianity, it will be recalled, had for centuries imbued kings with divine authority. Genealogists even ascribed biblical ancestry to European kings. "Unbending from their spine-warping labours, the peasants gazed upon their sovereign as upon some earthly god."<sup>28</sup> The king's actual powers were all-embracing: he "chose his own officers of state, and dismissed them at will; he decided his own policies at home and abroad; he declared his own wars, commanded his own armies and made his own terms of peace. . . . 'The prince,' declared the twelfth-century scholar John of Salisbury, 'is controlled by the judgment of his mind alone.'"<sup>29</sup> Despite the hesitant emergence of those alternative, common-good notions of kingship previously adumbrated, the king was still very much a *monarch* (**mon·ar·chy** 1: undivided rule or absolute sovereignty by a single person).<sup>30</sup>

It should be kept in mind that, quite literally, the household of the early medieval king *was* the government, and the king's personal servants were the governmental officers. The chamberlain, explains Rebecca Fraser, "presided over the king's bedchamber [hence the title] . . . [and] also supervised the king's Treasury . . . [which] in ancient times . . . had been kept in a chest in the king's

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<sup>24</sup> E.g. Lloyd, 293.

<sup>25</sup> Holt, 303.

<sup>26</sup> Holt, 338.

<sup>27</sup> Lloyd, 87.

<sup>28</sup> Lloyd, 189.

<sup>29</sup> Lloyd, 88.

<sup>30</sup> *Webster's Ninth New Collegiate Dictionary*.



bedroom. Other king's servants were the steward, who looked after the king's hall, and the constable, who looked after the outdoor servants—including, as his name suggests, the horses in the king's stable."<sup>31</sup> In the most intimate way, therefore, the welfare of the kingdom was connected to the personal life of the monarch, and the importance of the medieval English king's personality to the governance of his realm, as this study will repeatedly emphasize, was immense. (By contrast, the importance of the character of individual heads of state in the modern world, as opposed to that of ruling classes, is overrated.)

One of the reasons that, despite the heaviness of Angevin rule, the reigns of Henry II and Richard I (John's older brother) had not been completely intolerable to their subjects was that Henry had spent much of his life in France, while Richard was away from England for all but a few months of his reign. The rule of these two kings was thus from a distance; in fact it was mainly exercised through fairly competent proctors. This was fortunate, for the personal power of the king was such that his absence from the realm was actually a relief rather than something to be regretted. John, on the other hand, was not (like Henry) much of an overseas warrior, and not at all (like Richard) a crusader, so he mostly stayed at home. Worse still, to an exceptional degree and in unprecedented fashion he made it his business to familiarize himself with all places in his kingdom and to involve himself with all aspects of his realm. The omnipresence of this unusually "restless and energetic" king—a "control freak" in today's parlance—soon grew oppressive to barons who were used to a large degree of autonomy in their own bailiwicks. John took charge even in the courts, "hearing cases in person as, with his justices and his forty clerks, he moved around his kingdom."<sup>32</sup> "Few kings," says Lloyd, "threw themselves so personally and unremittingly into the task of ruling as did King John."<sup>33</sup> His impact was therefore bound to be great.

Above all it was John's fiscal policies, particularly the heaviness of his government's taxation, that aroused the hostility of his subjects. But these exactions were now unavoidable, driven as they were by the Crown's costly foreign policy. Richard's useless continental wars and his crusading escapades had emptied the treasury by the time John came to the throne, and yet the latter was obliged to continue the perennial effort to gain undisputed control over the Angevins' French domains, something his brother had signally failed to accomplish.

The final crisis was precipitated by France's defeat of John's continental allies in the battle of Bouvines in July 1214, which severely diminished the Angevin Empire. Afterward John demanded a high scutage (a tax in lieu of service) from the many barons who had refused to go with him to France. Resistance to this scutage, says Maurice Ashley, "spread like wildfire. Neither the barons who served with John in Poitou nor those who stayed at home and refused to pay scutage saw any reason why they should submit to further

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<sup>31</sup> Rebecca Fraser, *The Story of Britain from the Romans to the Present: a Narrative History* (New York: W. W. Norton, 2003), 117.

<sup>32</sup> Maurice Ashley, *The Life and Times of King John* (London: Weidenfeld and Nicolson, 1972), 95.

<sup>33</sup> Lloyd, 151.

pressures from a disgraced and defeated King."<sup>34</sup> More fundamentally, many English barons of Norman origin had long since lost their estates across the Channel. It was irrational for them to expend their own blood and treasure on behalf of the king's ceaseless efforts to maintain *his* continental domains.

Less than a month after Bouvines, Archbishop Stephen Langton—a prime advocate of the distinction between lawful and tyrannical kingship, and a man who taught that it was legitimate to resist kings who ruled according to their personal will alone—is reputed to have called together the disaffected barons and informed them of the apparently forgotten or overlooked coronation charter of Henry I.<sup>35</sup> "[T]he ancient document," says William Swindler, "spoke of reasonable reliefs, protection of heirs and widows, security of testamentary disposition of properties, reasonable forest laws, and the defined limits of knight service." It was noted by a contemporary chronicler that the barons "were much pleased with it, and . . . swore that when they saw a fit opportunity they would stand up for their rights, if necessary would die for them."<sup>36</sup> Thus began the movement for the Great Charter.

Far from being an inspired piece of writing as its fame might suggest, Magna Carta is an ill-organized, mundane document (see Appendix D). This is because it was hammered out by the bureaucratic and legal agents of contending parties under stressful circumstances, its aim being not to propound any lofty, clear-cut political doctrines but merely to spell out "the fundamental safeguards of everyday life among landholders."<sup>37</sup> The most important of these safeguards were (a) the requirement that subjects be consulted before any extraordinary taxation was imposed on them (article 12), and (b) the requirement of due process (articles 39 and 40). Yet, sums up Lloyd, "For all its limitations, it was the most comprehensive code of law issued in England since the Conquest, and it arose not from the initiative of the ruler, but [from that] of his subjects, albeit the privileged."<sup>38</sup> This last characteristic—the unprecedentedly proactive involvement of the magnates as a body in the crafting of national legislation—was Magna Carta's most novel feature and by far its most significant. The individual clauses of Magna Carta were on the whole not particularly objectionable to John, who despite his depredations maintained some sense of legal propriety. But their sum total represented a serious incursion by the realm's greater subjects on the awesome royal power built up by the Angevins.

The enforcement of the Charter was to be the responsibility of twenty-five barons acting as a permanent committee of constitutional overseers (article 61). Unredressed complaints would activate forceful action by the Twenty-Five against the king. Not surprisingly, neither John nor his suzerain the Pope would in the end accept such compulsion from this extraordinary, alternative locus of sovereignty. Indeed, no Angevin king could really have been expected to submit voluntarily to the imposition of Magna Carta at all. It is for this simple reason that civil war duly ensued.

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<sup>34</sup> Ashley, *King John*, 162.

<sup>35</sup> D. A. Carpenter, *The Minority of Henry III* (London: Methuen, 1990), 264.

<sup>36</sup> William F. Swindler, *Magna Carta: Legend and Legacy* (New York: Bobbs-Merrill, 1965), 72.

<sup>37</sup> Swindler, 87, 89.

<sup>38</sup> Lloyd, 294.

King John died in the midst of the armed conflict that resulted from the constitutional crisis. Though the royalist party ultimately prevailed, it had fought more for the king than against the Charter, which, as we have seen, was not a partisan revolutionary manifesto but rather a mediated compromise. The winners of the civil war therefore had no problem acknowledging most of the original Charter as just and reasonable. Thus, while the rebellion of 1215 failed militarily, its reform program in the end largely succeeded.<sup>39</sup> The "primitive assumption of absolute royal right" had finally been breached.<sup>40</sup>

## HENRY III AND THE REVOLUTION OF 1258

### The problem is monarchy

Since John's son, Henry, was only nine years old in 1215, the new government was necessarily a regency. Yet it found a way to govern the realm successfully for the next twenty years. However, the constitutional problems that John's misrule had brought to the surface would not go away, as the troublesome later part of Henry III's reign would demonstrate.<sup>41</sup> To say the least, then, Magna Carta was not a final solution. The problem, in a word, was the traditional monarchy itself. In their thoughts and in their actions thirteenth-century Englishmen were beginning to struggle, for the first time in medieval history, toward a new constitutional paradigm. Glaring royal shortcomings were giving rise to a growing conviction that unsatisfactory kings had to be constrained and controlled.

R. F. Treharne reminds us that "Ordinarily the king enjoyed a prestige and reverence little short of mystical." In the midst of the Middle Ages "[k]ingship still retained much of its irrational, superstitious, magical hold over men's minds."<sup>42</sup> Despite Magna Carta, the king's position as such remained unchallenged. Kings, with their vast authority and their exclusive responsibility for government, were a fact of life. The monarch was completely sovereign. Yet any given royal successor, being a mere human being—most likely an entirely ordinary one—who happened to be placed in line to the throne by sheer accident of birth, could very well turn out to be an inferior king. In such a case he could not be allowed to rule any way he pleased. Thus it came to be widely accepted that in the exercise of his vast power the king must be wise and just, and that he must always consult with his magnates. He must succeed in war or at least wage it honorably. He must appoint good judges and officials and

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<sup>39</sup> Holt, 378.

<sup>40</sup> Swindler, 117.

<sup>41</sup> There is only one in-depth narrative of the eventful and tumultuous reign of Henry III in its entirety. This is Powicke's *King Henry III and the Lord Edward*. Unfortunately this work was inadequate to begin with and is now certainly dated. The studies by R. F. Treharne, D. A. Carpenter, and J. R. Maddicott, upon which I have largely relied, as well as those of Tufton Beamish and Clarence Ellis, are all excellent but piecemeal (see the Bibliography). The investigator of Henry's reign is therefore obliged to cobble together a complete story.

<sup>42</sup> R. F. Treharne, *Simon de Montfort and Baronial Reform: Thirteenth-Century Essays* (London: Hambledon Press, 1986), 3.

himself obey the law. Not least, his demands for extraordinary taxation must be reasonable and justified.<sup>43</sup> But, aside from the provisions of the recently promulgated Great Charter, whose own limits and shortcomings would soon become evident, these stipulations were merely implicit. No longstanding tradition or law compelled the king to act in this sensible manner without fail. Some kings did rule more or less satisfactorily (e.g. Henry I), but against incompetent or tyrannical kings there was no legal recourse except to wait for the next—hopefully better—king to arrive. Hence the constitutional problem of the thirteenth century: "how to make explicit the implied limitations on . . . [the king's] power, hitherto unrestrained by any human agency other than his own discretion."<sup>44</sup>

It was a difficult problem. No English king, as we saw with John, could be expected to surrender his traditional powers voluntarily, much less draw up a novel, monarch-constraining plan of government of his own volition. It was the barons who would have to devise a new governmental arrangement that would shift a preponderance of executive authority to themselves. Then they would have to compel the king to abide by it. But taking charge of a government with new collective institutions that would in large measure replace those that had previously been centered on one man would require of the magnates an unexampled sacrifice of their own time and energy. Even if they succeeded in effecting an institutional transformation of this kind, it was unknown whether they would be able to "hold the loyalty of the king's subjects as kings had been wont to hold it, but without the magic of the royal name."<sup>45</sup>

When the barons finally did set upon a course of fundamental reform, they focused on the one potential counterweight to the authority of the king in medieval government: the king's council. They sought the authority to select the royal councillors regardless of the king's wishes; these men would then rule in the king's name, in defiance of the monarch if necessary. Thus, in the struggle between king and magnates, control of the council was crucial. Yet Henry III, as he came into his majority and increasingly asserted his royal independence, refused to choose his councillors from among the great barons, who considered themselves the king's "natural councillors," opting instead for personal favorites, often foreign, to whom the native magnates objected strenuously. This was in no way an illegal move on Henry's part: the king had the right to have as councillors whom he pleased.

In short, the king's conception of his council was that of a personal entourage, while the barons saw the council, though of course revolving around the royal person, as a distinct body within the constitution, with a status and responsibility for the welfare of the realm apart from that of the monarch. There was in fact a precedent for this second sort of council: the feudal *magnum concilium*, the assemblage of the king's tenants-in-chief. The members of this institution were great nobles in their own right, and the king had always been to a considerable extent dependent on them, *de facto* if not *de jure*. Despite the monarch's theoretical absolutism, no king could rule for long without

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<sup>43</sup> Treharne, *Simon de Montfort*, 246.

<sup>44</sup> Treharne, *Simon de Montfort*, 248.

<sup>45</sup> Treharne, *Simon de Montfort*, 251.

summoning such a body and obtaining its assent to critical policies and financial levies.<sup>46</sup>

As feudal vassals the barons were traditionally required to attend the king's court when summoned, in order to give him "counsel and aid." But counselling the king uninvited, much less dictating to him, had never been any subject's *right*. The question of the proper character and role of the council in the king's government would be a great issue and one of perennial contention in medieval government, with the barons periodically imposing their own semi-sovereign version of the institution upon resistant kings. The first such instance occurred in the Revolution of 1258.

### The minority

The occasion and opportunity for the actual development of steps toward an alternative political arrangement in England was a historical accident: the fact that the reign of King Henry III (r. 1216-1272) began as a minority/regency—the first such instance since the Conquest. With the death of the relatively young King John in the civil war and the accession of a child king, power perforce passed from the king to the magnates. They would have to run the kingdom. This unprecedented circumstance immediately elicited basic questions about the ultimate locus of governmental authority. After all, says D. A. Carpenter, Magna Carta had already begun to encourage "the belief that obedience to the king was conditional," i.e. not unquestioning but dependent upon his behavior.<sup>47</sup> On top of this the king was now a minor. Thus the view soon arose that the only legitimate orders of the government were those sanctioned by the magnates of England acting as the chief councillors of the king. In practice this meant that the regent could govern only with the consent of the body called the King's (or Great) Council, which at this time came to play a far larger role in the governance of England than any royal council had ever done in any previous reign.

Great Councils assembled frequently during Henry's minority and were involved in a wide range of decisions. The regent himself, William the Marshal, had been appointed by a Great Council composed of the young king's supporters. During the war, after John's death, William had acted with the advice and consent of the magnates, and this in fact was what his authority rested on.<sup>48</sup> In June 1219, upon the Marshal's death, the magnates decided to replace the singular regency with a triumvirate government consisting of a justiciar named Hubert de Burgh, the Bishop of Winchester, and the papal legate. The Great Council, however, retained ultimate authority, and the triumvirs could govern only with its periodic consent.<sup>49</sup>

Hubert de Burgh eventually became the principal leader of the government. Working closely with the magnates in Great Councils, he successfully guided the country through the minority. Among Hubert's more popular measures were

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<sup>46</sup> R. F. Treharne, *The Baronial Plan of Reform, 1258-1263* (Manchester: Manchester University Press, 1971), 34.

<sup>47</sup> Carpenter, *Minority*, 54.

<sup>48</sup> Carpenter, *Minority*, 55.

<sup>49</sup> Carpenter, *Minority*, 134.

the conciliation of former rebels through the restoration of their lands and the relaxation of their onerous debts to the Crown—policies in stark contrast to King John's oppression of his barons.<sup>50</sup> Hubert also saw to it that the system of royal justice was revived and expanded. In the light of such actions, notes Carpenter, "kingship was seen to fulfil its most basic and essential task, that of maintaining peace and dispensing justice." In general, Hubert's administration acted with restraint and consideration vis-à-vis the subjects of the realm. Hubert, originally a servant of King John, now sought to strike a balance between the rights of the Crown and those of the subject, and he continually adjusted that balance as circumstances dictated. The Charters (general and forest) were publicly accepted: it was understood that they would serve to constrain the Crown. In sum, the government assumed a quite different character from that under John, and thereby won a considerable amount of goodwill.<sup>51</sup>

#### Personal rule to 1258

But then in 1227 Henry III reached his majority. The salutary collective rule established during the royal minority would soon come to an end. The king would begin to rule personally in traditional monarchical fashion, for good or ill. The Charters, unfortunately, were no sure safeguard against misrule. Although by now deeply rooted in the consciousness of the political class—"the test of government, a protection to many, a menace or nuisance to the unscrupulous . . . never for long out of men's minds"—they were either ambiguous or altogether silent on many important issues.<sup>52</sup> Nor did they provide a constitutional remedy if the king should transgress those Charter provisions that were perfectly clear. One reason for this was that the security clause of 1215, under which twenty-five barons were empowered to force the king to rectify any breaches of the Charter, was later omitted. The Charters reissued under Henry III were thus emasculated versions of the original Magna Carta. More fundamentally, after 1227 it became apparent that the Charters had virtually nothing to say about such crucial matters as the appointment of ministers, the deciding of policy, or the control of sheriffs.

Magna Carta's deficiencies had not mattered much during the minority, since the government had been not in Henry's hands but rather in the competent hands of others. It was quite normal, however, for an adult king to have complete control of the government—*his* government. Ordinarily, explains Treharne, the bureaucratic machine "was entirely at the King's disposal, and all who served it were subject to his sole authority. . . . English administrators . . . thoroughly imbued with the idea of royal greatness . . . had but one end, the effective accomplishment of the King's will."<sup>53</sup> And therein lay the problem, for

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<sup>50</sup> Carpenter, *Minority*, 339.

<sup>51</sup> Carpenter, *Minority*, 402.

<sup>52</sup> Carpenter, *Minority*, 278; F. M. Powicke, *King Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century* (Oxford: Oxford University Press, 1966), 30.

<sup>53</sup> Treharne, *Baronial Plan*, 8.

Henry soon proved to be unsuited to his office, and he had a long reign ahead of him.

The situation during the early part of Henry III's reign had in fact been anomalous. At first the king was a helpless child, then he was under the control of a justiciar of great ability. Overawed, Henry dared not dismiss Hubert immediately when he came of age. The chancellor, Ralph Neville, was likewise beyond royal control; he had been appointed—wholly without precedent—by the Great Council. After sixteen years with no monarch above them, "the great officers of the Crown came to regard themselves as independent . . . [and they felt] justified in over-ruling the young King's ill-informed desires even when he came of age."<sup>54</sup> Though initially Hubert was not dependent on Henry, he did for the most part cooperate with the Great Council and the magnates. It is interesting and significant that the handful of officers who ruled the country in the king's name made no attempt to wield power dictatorially. This seems to have been out of the question—the active support of the community of great barons was considered essential. The *king* may have been surrounded by an aura of divine right, but these all-too-human officials, even the highest of them, certainly were not. With the king out of the picture, power was diffused among a wider circle of men, apparently in a rather natural manner.<sup>55</sup>

But it was only a matter of time before Henry, an Angevin after all (a line of kings notorious for their imperiousness), would challenge Hubert's domination. In 1232, with the support of an alien court faction consisting of Poitevins (from Poitou, a district in France), the 25-year-old Henry rid himself of Hubert and for all practical purposes did away with the office of justiciar.<sup>56</sup> Neville could not be so easily dismissed, but Henry emasculated the office of chancellor in 1238. Treharne emphasizes that there was nothing tyrannical or unconstitutional about these actions, as some historians have assumed. The supremacy of the monarch over the great officers of state—in other words the personal sovereignty of an adult king—was the typical and expected order of hierarchy in medieval government, especially during the Angevins' tenure. Henry continued to summon great councils, but he now began "to decide questions of appointments, patronage and policy himself, in the fashion of his predecessors."<sup>57</sup>

Henry, however, was not up to his monarchical tasks. By 1244 he had failed so ignominiously in a major French campaign that when he asked the barons for further aid they refused it and instead demanded fundamental political reforms. A representative committee of barons and prelates denounced Henry for his several failings, including his financial extravagance, his violations of the Charters, and his method of ruling through subservient

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<sup>54</sup> Treharne, *Baronial Plan*, 18.

<sup>55</sup> Some authors (e.g. Clarence Ellis and Robert Stacey) paint a less rosy and in some ways probably more realistic picture of Hubert and his administration than do those on whom the present narrative mainly depends, highlighting, rather than salutary cooperation, rivalry and factionalism in government under the young Henry. Still, there can be little question that governance during the minority was far more collaborative than ever before, and this is the crucial point for our purposes.

<sup>56</sup> Treharne, *Baronial Plan*, 21.

<sup>57</sup> Carpenter, *Minority*, 409.

officials.<sup>58</sup> The key to the so-called Paper Constitution now proposed was the appointment of four special commissioners by the Great Council. At least two of these new officers would be in attendance upon the king at all times. The commissioners were to see that everyone received impartial justice and that Crown revenues were properly spent. None of the four was to be subject to removal without the consent of the Great Council. A justiciar and a chancellor were also to be chosen by the Great Council and were to be removable only by that body. The proposed scheme, which anticipated the radical measures of 1258, was naturally rejected by Henry, and nothing more was heard of it.<sup>59</sup> Yet it was an unmistakable indication of the direction of constitutional thinking on the barons' part. Clearly they regarded the minority system as a more amenable arrangement than the current disposition and a valuable precedent in their search for an improved form of government.

Henry, however, slowly recovered from his financial difficulties, and the years between 1244 and 1258 were a period of stalemate between king and barons.<sup>60</sup>

### The Revolution of 1258

The Revolution of 1258 was largely a reaction to the objectionable personal rule of Henry III. Treharne is particularly hard on Henry, but, judging from the troubled record of this monarch's tenure and the extraordinary opposition it encountered, his wholly negative assessment is probably not greatly overstated. The only necessary caveat is that Henry was not entirely unintelligent. In the inevitable struggle between him and the radical barons following the passage of the 1258 reforms, he would prove a worthy adversary.

The faults which made [Henry] a failure as a king were fundamental defects of character. . . . [They] were all mean—cowardice, fickleness, treachery, and a total lack of wise judgment. His only policy was the pursuit of his own whims and fancies.<sup>61</sup>

[A]s a king, [Henry] could scarcely have been more unfitted for his task. . . . [H]e lacked utterly the wisdom to plan, the competence and industry to organise, the moral and physical courage to lead. . . . Most of all, he . . . distrusted . . . his own barons, who should have been the main support of his rule. . . . He kept them at arm's length, never willingly taking any of them into his privy council, but preferring to rule with the advice of his own or his wife's [foreign] kinsmen . . . and . . . his domestic servants [and] household officials. . . . Failure after failure . . . had taught [the barons] at length that Henry III could not govern England.<sup>62</sup>

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<sup>58</sup> Treharne, *Baronial Plan*, 53.

<sup>59</sup> Treharne, *Baronial Plan*, 54.

<sup>60</sup> Treharne, *Baronial Plan*, 55.

<sup>61</sup> Treharne, *Baronial Plan*, 47-8.

<sup>62</sup> Treharne, *Simon de Montfort*, 90-91.



Besides the baron's despair over Henry's foolish and extremely costly policies and his personal inadequacy, another factor in the discontents that led to the showdown in 1258 was the increasing alienation toward the king's government felt by the wider society, i.e. the commons and the masses, whose mistreatment by both alien and native barons and their minions ran rampant, with the Crown doing little to alleviate it.

During Henry III's reign royal government became excessively removed from the common folk and glaringly unconcerned with their welfare. Local officials were often tyrannical, while the central government's supervision of them was lax. The king and council were largely beyond the reach of the subject for purposes of complaint. Sheriffs and their underlings were corrupt and out of control. Legal redress in general was all but unobtainable.<sup>63</sup> As a result of the unaccountability of local government, a generalized feeling of grievance and oppression accumulated in the country, and this would play a major role in the coming revolution.

However, the specific, precipitating causes of the revolt of the barons were (1) their hatred of the alien Lusignans and (2) a deep feeling on their part, brought to a peak by the Sicilian fiasco (described below), that Henry was utterly "useless and insufficient to dispose of the affairs of the kingdom."<sup>64</sup>

The Lusignans were arrogant and violent French half-brothers of Henry, whom he lavished with patronage and unquestioningly protected from legal action. The other barons and their men had numerous, occasionally deadly run-ins with the brothers in disputes over land and other rights. But no matter how grievous the Lusignans' behavior was, the barons found that securing any kind of legal action against them was impossible, as the king would summarily dismiss any baronial complaints. By 1258, therefore, the barons had become extremely resentful of the Lusignans, and the confederation of earls that attended the reformist Westminster Parliament in April 1258 declared as one of its aims the reduction of the Lusignans, the second aim being a general reform of the realm.<sup>65</sup>

The Sicilian affair began in 1254, when the Pope was seeking a rich champion to aid him in conquering that country. He offered the Sicilian crown to Henry to give to one of his sons, in return for which he expected English assistance in men and money. Henry, whom the Papacy had helped in the early days of his minority, had always considered himself a papal ally, and he accepted the offer on behalf of his son Edmund. The Pope soon began making outrageous monetary demands, at one point insisting that the king pay him the astronomical sum of £90,000, an amount exceeding twice the annual national revenue. And he threatened to excommunicate him if he did not comply.<sup>66</sup> Henry had no choice but to plead with his barons for the money. Understandably, they rebuffed his request. They had not so much as been consulted about the acceptance of such an absurd scheme and the assumption of

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<sup>63</sup> Treharne, *Baronial Plan*, 43.

<sup>64</sup> D. A. Carpenter, *The Reign of Henry III* (London: Hambledon Press, 1996) 99.

<sup>65</sup> Carpenter, *Reign*, 190, 194.

<sup>66</sup> Treharne, *Baronial Plan*, 61.

such a monstrous burden. With the king paralyzed by fear of excommunication, his opponents were finally in a position to drive a hard bargain.<sup>67</sup>

More than any other of his many follies, the Sicilian affair encapsulated Henry's very serious political deficiencies, succinctly listed by J. R. Maddicott: "his neglect of the need for baronial consent before entering into onerous obligations, his lack of financial sagacity, and his distorted view of the national interest."<sup>68</sup>

What followed was a seven-year-long, roller-coaster contest for sovereignty between the barons and the king.



The reform measures promulgated at the Oxford Parliament of 1258, called the Provisions of Oxford, amounted to a fundamental revolution in English politics—the most radical assault on the monarchy before the seventeenth century.<sup>69</sup>

First of all, the (four) Lusignan brothers were forcibly exiled, a number of other aliens departing with them. More significantly, the barons created a Council of Fifteen, a body in permanent session that was to administer the realm, formulate policy, direct the king in all state affairs, and plan further reforms. At each of three annual Parliaments this Council would meet with a Committee of Twelve, representing the entire baronage, to conduct joint discussions on the state of the kingdom.<sup>70</sup> The barons, furthermore, revived the offices of justiciar, chancellor, and treasurer, now to be appointed by and answerable to the aforementioned Council rather than the king. The holders of these great offices were to be controlled by means of annual renderings of account. The plan of reform thus dramatically transferred sovereignty from the king to the barons, to be exercised primarily through the Council of Fifteen. This body now controlled all government officials, and its authority was without explicit limits.<sup>71</sup>

The reformers did not fail to address the system of local government. Until now the all-important sheriffs had been appointed by either the king or his Exchequer officials. Being strictly creatures of the Crown—court favorites or greedy speculators intent on profiting from office—such men tended to be indifferent to the counties' complaints. According to the plan of reform the sheriffs would henceforth be chosen each year by four knights elected in the county courts, so that the winning candidates would be "men of substance and local standing, with knowledge of local conditions and opinion." The sheriffs would hold office for one year only and would be subject to an annual accounting at the Exchequer for all their activities while in office. They would no longer be allowed to accept bribes and gifts as they had hitherto done routinely; rather they would receive adequate wages and expense funds, while

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<sup>67</sup> Treharne, *Baronial Plan*, 62.

<sup>68</sup> J. R. Maddicott, *Simon de Montfort* (Cambridge: Cambridge University Press, 1994), 129.

<sup>69</sup> Treharne, *Simon de Montfort*, 175; Maddicott, 151.

<sup>70</sup> Treharne, *Baronial Plan*, 86.

<sup>71</sup> Treharne, *Baronial Plan*, 83.

their conduct would be closely regulated and the number of their bailiffs strictly limited. Furthermore, they were now prohibited from holding office in the same county for two successive years, so that people who had suffered abuse could seek redress without fear of future vengeance. All these reform measures regarding sheriffs were designed to curb the endemic corruption in local government.<sup>72</sup>

Four knights in each county were also to be chosen in an ambitious program to investigate all alleged wrongdoing. The knights would receive complaints from the local population and bring the involved parties before the justiciar to have the controversies resolved. This plan was one of the first to be put in place by the Council and was deeply appreciated by the people.<sup>73</sup>

That governmental power and supreme authority had actually been transferred from the king to the council of magnates is proven by Henry's complaints in 1261, as described by Treharne.

The King then alleged that the Council had treated him as a minor under their wardship, for they discussed his business and that of the realm in various places of their own choice, without the King's knowledge, not asking him to attend any more than the humblest of his subjects; . . . they issued orders without awaiting his authorisation, so that his opinion went unheeded; whatever he said counted for nothing against the reasons of the Council, who simply said 'We will that it be so' and gave no further explanation. When the King nominated good and useful ministers to be Justiciar, Treasurer, and Chancellor, the Council appointed, against his will, men who were less suitable; . . . he had no power over his own Great Seal, though the Council did as they liked with it without consulting him; no longer were pleas . . . heard in the King's presence, as formerly, so that justice was not done and the King's honour suffered; nor could he, as of old, reward those who had served him faithfully by grants of wardships to them, so was his power reduced. In fact, he said, they had so far taken away his royal dignity and power that little or nothing was done at his command or for his needs and state, while his orders were neglected as though the Council reigned.<sup>74</sup>

For eighteen months the Council and its officers were able to remove abuses and redress grievances systematically and in a way never before seen in the kingdom. An optimistic contemporary wrote that "England, which had long suffered the injuries and tyrannies . . . of many kings, in this year began to breathe with long-desired reforms, as a new spirit of justice arose within her."<sup>75</sup>

The name most closely associated with the Revolution of 1258 is that of Simon de Montfort, Earl of Leicester. As a great baron and the king's brother-in-law, Simon had for many years been an important if at times disgruntled member of the royal court, with complicated and stormy ties to the king: Henry owed Simon a good deal of money; Simon had been Henry's seneschal in

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<sup>72</sup> Treharne, *Baronial Plan*, 97, 120-1, 183-4.

<sup>73</sup> Treharne, *Baronial Plan*, 99-100.

<sup>74</sup> Treharne, *Baronial Plan*, 344-5.

<sup>75</sup> Treharne, *Baronial Plan*, 212.

Gascony before being dismissed by him; and Simon's wife was Henry's sister, whose rightful dower the king had failed to see that she receive. Once he turned against Henry, Simon's animosity toward him was implacable.

Whatever Simon's personal motivations may have been, however, the great earl was an idealist; indeed, he was a close friend of the moral and intellectual leaders of the English church. And he possessed other exceptional qualities as well: he was extremely well travelled, with family connections and property in France; he was an imposing figure in the court of the French king; and he was a great general to boot. It is no wonder, says Carpenter, that "Simon had a basic contempt for Henry's limited abilities and perverse policies. It must have been immensely frustrating [for him] to be dependent on such a man."<sup>76</sup>

Simon was deeply inspired by the radical political thought of the Oxford Franciscans, and he shared in the philosophical and political discussions of Bishop Robert Grosseteste's circle.<sup>77</sup> Grosseteste was, according to Carpenter, "the greatest theologian and the most committed reforming bishop of the age." He wrote about the difference between a tyrant and a king: the one devotes himself to his own interests, the other to those of his subjects. And he held that all rule should be directed by reason, "the guardian of justice and equity." Simon and his fellow revolutionaries echoed this sentiment in a letter to the Pope in 1258, declaring that the realm should be "ruled by the governing hand of reason." This, they well knew, had not been the condition of England under Henry.<sup>78</sup> The English clergy as a whole, particularly the Oxford scholars and the Franciscans, took Simon's side in his struggle with the king.<sup>79</sup> Thus, the connection between English academia and the reform movement was significant. Historians of the period are agreed that "the moral influence of ecclesiastics, on the general direction of the reforms if not on their precise codification," was substantial.<sup>80</sup>

Unfortunately, as salutary as the sweeping reforms were, and due to their very radicalness, they infringed on the customary privileges of the elite and thus provoked opposition even from some of the erstwhile reformers. Certain of the measures seriously impinged on the great landowners' feudal courts, severely restricting their ability to profit from them. Other provisions called upon the barons, in their dealings with their tenants, to submit to the same kind of limiting conditions as had been imposed upon the king in relation to his vassals. Furthermore, their bailiffs, over whom they had previously had sole control, were henceforth to be subject to supervision by the central government.<sup>81</sup> It is not surprising, then, that by 1260 many of the magnates who at Oxford had supported the reforms, most notably Richard, earl of Gloucester—the richest magnate in England—had begun to see that they "meant a serious diminution of their own powers and privileges, and an even greater attack upon their abuse of

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<sup>76</sup> Carpenter, *Reign*, 238.

<sup>77</sup> Treharne, *Simon de Montfort*, 133.

<sup>78</sup> Carpenter, *Reign*, 229, 236.

<sup>79</sup> Treharne, *Simon de Montfort*, 196-7.

<sup>80</sup> Maddicott, 355.

<sup>81</sup> Treharne, *Baronial Plan*, 136-7.

those powers."<sup>82</sup> Thus from early on the lines of division within the baronial party were visible.

Henry's visit to France in November 1259 provided him with an opportunity more thoroughly to divide the baronage, for the Council of Fifteen had to be split up, part of it going across the Channel with Henry and part of it remaining in England. Not surprisingly, the majority of the councillors who joined the king were royalist opponents of the reforms. At Henry's provisional court in France they were well placed to intrigue with the king for the overthrow of the new regime.<sup>83</sup>

Over the next six years a complex and protracted contest for rule over the kingdom took place between the king and his royalist followers on the one hand and Simon and the insurgents on the other (which it is not necessary to follow in detail). It was in effect a low-grade civil war with all the turmoil and turns of fortune, political and military, that such an event usually entails. In 1265 Simon was finally defeated and killed at the battle of Evesham, and this spelled the end of the revolution.



According to one historical view, the failure of the reform movement was due to the internal division among the magnates noted above, and to the eventual betrayal by a majority of them. At this time in England the baronage consisted of no more than about two hundred individuals in a close-knit group.<sup>84</sup> But the usual spirit of cooperation and mutual respect among them had long since disappeared by 1265. Those magnates who were not actively opposed to Simon's program were in any case too wedded to tradition to follow him willingly into unknown constitutional territory. Simon's base of baronial support was thus small and weak. "In the last resort," Treharne concludes, "the baronage was not quite big enough to live up to the ideal which it had proclaimed, and vested class interests, combining with conservative fears of radical action, enabled the king and his friends to overthrow the ideal."<sup>85</sup>

But this is at best only a partial answer. It must be asked, more searchingly, why the elite's broad and substantial initial backing of the movement dried up so precipitously along the way; or why the loss of this support was not compensated by a corresponding gain of support from other classes. The larger and more fundamental difficulty the revolutionaries encountered, it can be argued, was that they were attempting to displace the authority of the king at a time when monarchy as a political system was not yet seriously discredited in the eyes of any significant sector of the population. Medieval England was, after all, "an intensely monarchical age and country."<sup>86</sup> The monarch himself, no matter how flawed an individual, was still considered

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<sup>82</sup> Treharne, *Baronial Plan*, 378.

<sup>83</sup> Treharne, *Baronial Plan*, 214.

<sup>84</sup> Treharne, *Simon de Montfort*, 206; Lloyd, 264; Michael Prestwich, *English Politics in the Thirteenth Century* (New York: St. Martin's Press, 1990), 30.

<sup>85</sup> Treharne, *Simon de Montfort*, 207.

<sup>86</sup> Arthur Bryant, in Tufon Beamish, *Battle Royal: A New Account of Simon de Montfort's Struggle Against King Henry III* (New York: Barnes & Noble, 1966), 242.

untouchable in his person—even by the insurgents, who at times had him in their custody. And there was no thought at all among them of abolishing the kingly office outright. This is why Henry was always left hanging around to strike yet again whenever a new opportunity arose. In the end it was found impossible to impose "an acceptable form of baronial direction on a sane king in his majority."<sup>87</sup> Simon and his colleagues succeeded in drastically reducing the authority of the king for a time, but they were unable to make this condition stick. It should be kept in mind that even four hundred years later, when the king was tried and executed and the monarchy itself was abolished, there was still a monarchical restoration only a decade later. It seems clear, then, that the baronial reformers were simply too far ahead of their time to achieve ultimate success. They were pioneers in the fitful, centuries-long siege on the English monarchy, pioneers who made a valiant sally on the royal fortress and paid dearly for their precociousness.

Yet the revolution was not without positive consequences. Maddicott describes how the "tone and direction" of royal government were altered for a generation:

Though formal limitations on the Crown were rejected, the reform movement forced both Henry III in his last years and Edward I in the first half of his reign to acknowledge the informal and unstated restraints on their kingship. They tacitly recognised the need to govern through conciliation rather than confrontation, to make policy after consultation and consent, to curb their officials, and to defend their prerogative rights without flaunting them. This style of government, quite uncharacteristic of Henry III's rule before 1258, was most visible in the localities. . . . Edward I was more consistently attentive to the grievances of the shires, collecting local complaints . . . legislating against abuses . . . and seeking to enforce his legislation through the eyres . . . in a sequence of measures which directly paralleled the reformers' work between 1258 and 1260. The same groups which these reforms were designed to benefit were increasingly represented in parliament. In the assemblies of Henry III's last years . . . the knights attended more frequently than [hitherto] and were able to influence [taxation policy].<sup>88</sup>

Although popular resistance to the royalist resurgence continued for a time after Simon's death, royal power was in the end fully restored. The elderly Henry III once again sat solidly on the throne, although it was henceforward his energetic son who was really in command. Edward I, when he was finally king, was a monarch of a completely different stamp from his father. According to Kenneth Hylson-Smith, "He was a great soldier, with an over-supply of ruthlessness and energy. He was tall and imposing, and he dominated and even terrified the greatest of his magnates. His regal authority was felt and accepted far and wide; he was the greatest king of his time."<sup>89</sup> Because of Edward's

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<sup>87</sup> Maddicott, 366, quoting J. C. Holt.

<sup>88</sup> Maddicott, 366-7.

<sup>89</sup> Kenneth Hylson-Smith, *Christianity in England from Roman Times to the Reformation*, 3 vols. (London: SCM Press, 1999-2001), 2:204.

strong character and his successful rule, there was never any question but that he would choose his own councillors and regulate his own household.<sup>90</sup> Edward's reign proved that though the monarchy had been tempered, it had not been transformed.



We can now see that the individual historical episodes we have examined thus far in this chapter—the baronial movement in John's reign leading to civil war, the minority of Henry III, the baronial revolution in mid-century, and the early reign of Edward I (this last will be further explored below)—together constitute a cohesive epoch in English history. The thirteenth century saw, in sequence, the aristocracy's first assertion of its rights against the Crown, the magnates fortuitously discovering the means to rule the realm independently of the king, a revolutionary movement attempting fundamentally to alter the constitution, and finally a prince learning the lesson that English monarchs cannot rule successfully in utter disregard of the wishes of their major subjects.

At the time of Magna Carta the political class had been defined exclusively in feudal terms. As the king's tenants-in-chief the barons were considered strictly subordinate vassals. Not quite so anymore. By the middle of the thirteenth century the term *communitas regni* (community of the realm) had become a favored expression.<sup>91</sup> The new ethos that this term embodied, envisioning a far greater role for the baronage in the governance of the kingdom, is powerfully reflected in the *Song of Lewes*, the extraordinary poem composed to celebrate the baronial victory in the battle at that location in 1264 (See Appendix E). Its theme is that the king is to rule *in cooperation* with his greater subjects in the common interest, not *over* them in a selfish manner. Though this may seem pretty tame or innocuous to the modern ear, the contention here is that it represented a real and significant advance in political thinking. Yet it may be wondered how *barons* could at any time or in any way be regarded as a force for progress. The answer is that they could be when one man was sovereign. The road from monarchy to democracy passes through oligarchy. In the heyday of the medieval monarchy the nobility's insurgency was truly revolutionary.

## PARLIAMENT VS. KING

### Edward I and the development of Parliament

Being that of a competent, intelligent monarch, the long reign of Edward I (r. 1272-1307) was largely free from the sort of rebellious turmoil characteristic of the tenures of the worst English kings. Not only that, Edward oversaw the growth of a more sophisticated monarchy, one more respectful of its greater

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<sup>90</sup> Powicke, 694.

<sup>91</sup> Maddicott, 367; Prestwich, 129, 132-3.

subjects, as well as a healthy expansion of government characterized by the development of Parliament.<sup>92</sup>

From earliest times kings had met periodically with their barons for consultation. What is distinctive about the Parliaments of the thirteenth century and beyond is the inclusion in them, at first only sporadically, of members of the "commons"—the stratum of wealth just outside the ranks of the nobility. This development signaled a significant extension of the political class from a tiny, exclusive aristocracy to a wider elite. Of course the king had been dealing with the commons for centuries, and he did not need Parliaments to do so. Before the existence of "representative Parliaments," i.e. those including the commons, he had regularly sent agents directly to the localities to do business with the knights and burgesses there, primarily to gather information about the state of local affairs and to secure consent to taxation. Kings no doubt began to see that it would be more convenient to gather representatives of the counties and towns in one place and at one time than to communicate with them individually throughout the land. The king had to hear from a wider spectrum of his subjects than just his barons, and more systematically, for the commons were becoming more consequential, especially in the area of finance. Moreover, a grant of taxation gained from a large, solemn body that included all the substantial social elements in the country was much more authoritative and binding than a haphazard set of individual agreements. All of this was common sense, not a matter of profound constitutional principles.

It is hardly necessary to emphasize that the medieval commons were not the actual common people—the masses—or even representatives of the common people. The term merely signified the ordinary elite—substantial knights and burgesses—as distinct from the more rarified titled nobility, a tiny group that in England, unlike in continental Europe, consisted not of entire noble families, which altogether would have comprised a substantial group, but only of the individual masters who actually possessed the peerage. Many so-called commoners were the sons or relatives of peers.<sup>93</sup> At no time in the middle ages did the veritable masses—the peasantry, the "middling sort" (craftsmen, small traders, etc.), and the urban poor—have significant, sustained, and independent influence on national policy.

Representation, as a governmental mechanism, had long been in use within the shires, where selected men met in the hundred and county courts in the name of their respective communities. The first instance of its extension to national assemblies probably occurred in John's reign. In 1213, at a time when he needed support from his skeptical if not already rebellious subjects for an upcoming French campaign, John summoned to himself not only the bishops and barons but also four men from each shire. Matters of national importance were no doubt discussed in this assembly (if it actually met, which is not certain). Another early instance of county representation in a national assembly took place in 1254, when Henry III was in Gascony and in need of men and money. Writs were issued to the sheriffs "to cause to come before the King's Council at

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<sup>92</sup> The available general works on early English constitutional history tend to be somewhat old, since this subject seems no longer to be a popular historiographic topic among scholars.

<sup>93</sup> Plucknett, 154.



Westminster two lawful and discreet knights from each county, whom the men of the county shall have chosen for this purpose in the place of all and each of them, to consider . . . what aid they will grant the king in such an emergency."<sup>94</sup> In 1261, during the struggle between Henry III and the barons, both sides saw fit to summon representatives from the counties to national assemblies to support their respective causes.

Although commoners other than knights may have attended some of these early meetings of the central government, it was Simon de Montfort, when he had replaced Henry III as virtual ruler of England, who was the first to extend national representation definitely and formally to the burgher class, that is, to representatives of the towns as well as the counties. In 1265 writs were issued to all the sheriffs directing them to return not only two knights from each shire but also two citizens from each city and two burgesses from each borough. De Montfort is thus often regarded as the founder of the House of Commons. Simon naturally gathered only his own partisans, as against those of the king, but in any case he set a momentous precedent that was followed by Edward I in the first Parliament of the new king's reign in 1275.

The inclusion of commons representatives in Parliament was initially rare. Even under Edward I, assemblies attended only by prelates and magnates continued to be held frequently; these were nonetheless called Parliaments.<sup>95</sup> Also, the attendance of the two components of the commons varied. Rural and urban contingents might both attend, but more frequently only one of them did. By the close of Edward's reign, however, full commons representation had started to become more firmly established.<sup>96</sup>

Yet equal *participation* by the commons in government was not yet at hand. They were asked not to "consult" but rather to "consent to whatever should be decided" or to "do what should be told them"—and to bind their constituents in the process. Even when physically present the knights and townsmen did not constitute core elements of Parliament. They were instead mere deputations that waited on the Privy Council to tell them what the king's government required of them. Immediately upon receiving their marching orders they were dismissed, and Parliament resumed its work without them.<sup>97</sup> Although the social and especially the economic importance of wealthy knights and merchants was beginning to be appreciated by the court and the nobility, commoners were in no way expected to share in the determination of royal policy at this point.<sup>98</sup>

During Edward I's reign, constant war resulted in the heaviest taxation to date, and the king's exactions were finally felt to be excessive. The barons were concerned not only about his onerous war taxes but also about his demands that they go campaign with him in strange places. When, in 1297, Edward appealed to the magnates as well as to his lesser subjects for still more money, they successfully resisted. The king was compelled to call a representative Parliament, which forced him to admit explicitly that he would no longer

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<sup>94</sup> Plucknett, 131.

<sup>95</sup> Plucknett, 136.

<sup>96</sup> Lunt, 198.

<sup>97</sup> Plucknett, 150-1.

<sup>98</sup> Lovell, 167.

attempt to impose any unprecedented levies "but by the common assent of all the realm." The Parliament of 1297 was significant in that, at least for the purposes of approval of general grants of taxation, "all the realm" now began to mean the commons together with the magnates.<sup>99</sup>

While the importance of Parliament thus grew inexorably, due mainly to the financial needs of a burgeoning martial state, it was still without question the monarch who was the primary and indispensable element in the edifice of government. He was "the ultimate director of every phase of its workings."<sup>100</sup> And it was still generally accepted that "government was the king's business."<sup>101</sup> Indeed, it was the very centrality of the king that guaranteed continued periodic troubles for English politics. For not all kings could be expected to be like Edward I.

It will be noted in the above synopsis of its early development that Parliament, the original and quintessential representative body, was never in the least intended to be a democratic institution (and it has never become one). In origin it was strictly a tool of the monarch, who had no thought of sharing his power with the social classes it embodied, much less with ordinary people.<sup>102</sup> A historical examination of Parliament such as this also makes it clear that although the representative system is nowadays commonly glorified as a marvel of modern civilization, it is at root quite primitive. (Democracy, as exemplified by Athens, is in many ways more complex and sophisticated.) In other words, it is a rank myth that representation was ever instituted as an expedient or effective method by which the people as a whole could govern themselves without all of them having to meet together to do so. In reality its purpose has *always* been to facilitate governance by an elite authority—a governance *over*, not "of, by, and for," the people.

### Edward II

In his youth Edward I witnessed a challenge to the monarchy so profound that it led to a new though abortive constitution, a civil war, and a changed dynamic in king-subject relations. As previously noted, there would be no constitutional conflict of this magnitude again in England until the seventeenth century. The monarchy survived the thirteenth-century challenge, but it would experience a number of further crises over the next few centuries as the "community of the realm" repeatedly intervened in government—more and more through the institution of Parliament—in order to rein in wayward kings.

Unlike his father, Edward II (r. 1307-1327) was a mediocre and unintelligent person, a monarch of "manifest incapacity" whose reign was therefore destined for trouble.<sup>103</sup> He was so objectionable to the barons even before he ascended the throne that they threatened to block his coronation in February 1308. On the morning of the coronation, as B. Wilkinson relates it, the

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<sup>99</sup> Prestwich, 127.

<sup>100</sup> Lovell, 172.

<sup>101</sup> Lovell, 174.

<sup>102</sup> Colin Rhys Lovell, *English Constitutional and Legal History* (New York: Oxford University Press, 1962), 157.

<sup>103</sup> Lunt, 221.

barons "'treated' together . . . discussing the king's 'election,' and they 'recognized' him as their ruler during the ceremony, thus emphasizing their free acceptance of his person as their king. Shortly afterwards . . . they issued a Declaration distinguishing between the person and the office of their ruler; and they justified violent opposition to the one if it was in the best interests of the other."<sup>104</sup> Less respectful behavior on the part of subjects toward their sovereign can hardly be imagined.

As had Henry III, Edward II tried to divert administrative responsibility from the magnates of the Privy Council to more tractable courtiers. The barons especially objected to the extravagant favor and wealth that Edward lavished on his favorite, Peter Gaveston, whom the barons loathed and the king with equal vehemence defended. The magnates succeeded in having Gaveston exiled but the king soon brought him back. The conflict escalated, and, whatever the original issues involved, it finally turned on the simple question of who would rule the kingdom, the king or the magnates.

At first the latter gained the upper hand. In 1310 they forced the king to appoint twenty-one "Lords Ordainers" to reform both the royal household and the government of the realm so as to provide them a greater share of power. This resulted in the Ordinances of 1311, in which the barons imposed humiliating restrictions on Edward. He was not to leave the realm or make war without baronial assent in Parliament, and he was to allow the magnates a share in the appointment and dismissal of councillors and ministers.<sup>105</sup>

Edward defied the Ordinances by keeping Gaveston by his side. The Ordainers responded audaciously by capturing and executing the royal favorite. This precipitous act, however, destroyed the unity of the baronial opposition, enabling the king to seize and execute its leader, Thomas of Lancaster, after which the royalist party restored the pristine sovereignty of the monarchy.

Yet opposition to the king continued and in fact grew. Finally the queen herself turned against Edward, and the movement against him became universal.<sup>106</sup> The king's two new favorites were condemned to death and Edward was captured while trying to flee to Wales or Ireland. A parliamentary assembly (not a legal Parliament, of which the king was by definition the head) formally deposed Edward and placed his son Edward III on the throne. Edward II was killed soon afterward.<sup>107</sup>

The deposition of Edward II was yet another landmark in English constitutional history. It further lessened, says Wilkinson, "the aura of divine approval and essential inviolability which surrounded the office of the king. . . . Subjects might oppose and rebel, but they had not, even in 1216, actually put a monarch off his throne for the abuse of his royal power. Now, all this long tradition was shattered; and after this politics in England could never again be the same."<sup>108</sup>

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<sup>104</sup> B. Wilkinson, *The Later Middle Ages in England, 1216-1485* (London: Longmans, 1969), 118.

<sup>105</sup> Wilkinson, 119.

<sup>106</sup> Wilkinson, 129.

<sup>107</sup> Wilkinson, 131.

<sup>108</sup> Wilkinson, 131.

### Edward III

With Edward III (r. 1327-1377) a gallant and attractive figure once again occupied the English throne. This dynamic king's long reign was marked by prodigious military aggression against his neighbors as well as cooperation with his magnates.

To pay for his enormously expensive wars, including the Hundred Years War against France, Edward was compelled constantly to request money from Parliament and therefore to placate the House of Commons in the process. The Commons thereby came to feel empowered enough to assert three great claims: (1) the illegality of all taxation without the consent of Parliament, (2) the necessity of the concurrence of both Houses of Parliament in governmental legislation, and (3) the right of the Commons to inquire into and amend any abuses of the administration. Even more boldly, the Commons further claimed the right to examine the government's accounts and to cashier the king's ministers for misconduct.<sup>109</sup>

The lower House now routinely attached conditions to grants of aid, and this gave rise to the doctrine that supply should depend upon redress of grievances.<sup>110</sup> While legislation was still undoubtedly a royal prerogative and the formal role of subjects was still only to give counsel if and when it was requested of them, the Commons were in fact consulted more and more on questions of war and peace, and Parliament's work grew in importance.<sup>111</sup>

Portentously, Parliament at this time sought to make the king's ministers responsible to itself for their official acts.<sup>112</sup> In 1376, with Edward in mental decline, the Commons accused two of his ministers of malversation before the Lords and succeeded in having them convicted and imprisoned. Several lesser officials were also driven from office. These proceedings foreshadowed the impeachment trial.

Despite its above claims and actions, however, Parliament exercised true control over governmental policy only sporadically, partly because its capacity for independent action was still quite limited but also because during most of Edward III's reign the MPs were in general agreement with his policies. Yet upon the great king's death the potential power of Parliament had become considerable.<sup>113</sup>

### Richard II

Richard II (r. 1377-1399) succeeded his grandfather Edward III at the age of ten. His minority was a period of popular discontent and political strife that included the Peasant's Revolt of 1381. "The reign of Richard II," remarks Wilkinson, "began in crisis, continued in conflict, and ended in utter failure." Unlike his grandfather, Richard was no great warrior-king such as the English

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<sup>109</sup> Plucknett, 158.

<sup>110</sup> Plucknett, 160.

<sup>111</sup> Plucknett, 161, 165; Wilkinson, 147.

<sup>112</sup> Lunt, 230.

<sup>113</sup> Lovell, 191.

admired.<sup>114</sup> The king's long minority and his innate inferiority, coupled with Parliament's growing competence and boldness, resulted in a period of turbulent relations between the two.

Under Richard the Commons frequently exercised the rights they first asserted in the previous reign, which conferred on them a substantial role in government and a de facto share in the sovereign authority. Among other manifestations of Parliament's growing strength, it forced the young king in 1386 to remove from office his much disliked chancellor, Michael de la Pole, Earl of Suffolk, whom Parliament then imprisoned. During the course of the dispute Parliament informed the king that if he

through any evil design or foolish obstinacy, or contempt, or out of a perverse or froward wilfulness, or by any other irregular courses, shall alienate himself from his people, and refuse to govern by the laws, statutes, and laudable ordinances of the realm, with the salutary counsel of the lords and great men of the realm, but will throw himself headlong into wild designs, and wantonly exercise his own singular arbitrary will—from that time it shall be lawful for his people, by their full and free assent and consent, to depose the king himself from his royal throne, and in his stead to raise up some other of the royal race upon the same.<sup>115</sup>

This remarkable warning attests to just how far the English elite had come vis-à-vis the king since the days of the Conqueror and his sons.

After being rebuffed by Richard in its attempt to remove more of his men from office, Parliament demanded the appointment of a commission of reform. The king at first rejected this insulting encroachment on his prerogative, but he was finally forced to yield, and a commission of fourteen men with almost unlimited powers was brought into being for a term of one year.<sup>116</sup>

When Richard turned twenty he sought the assistance of his judges in his quarrel with Parliament, and they ruled decisively in his favor. Their ruling stated "that the late [proceedings] and commission were derogatory to the king's prerogatives . . . that the king, and not the lords and commons, had the power to determine the order in which business should be proceeded upon in parliament . . . that the king could dissolve parliament at his pleasure and that any proceedings thereafter were treasonable . . . [and] that his ministers could not be impeached without his consent."<sup>117</sup> The judges had ruled correctly, for, according to well established fourteenth-century law and practice, and notwithstanding Parliament's incessant encroachments on the Crown's authority, Parliament was the king's Parliament, government business was the king's business, and government ministers were the king's ministers, responsible to him alone.<sup>118</sup>

Nonetheless, rather than submit to the judges' opinion that Parliament was overstepping its bounds, five Lords "appealed" several of the king's ministers

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<sup>114</sup> Wilkinson, 157.

<sup>115</sup> Plucknett, 170n84.

<sup>116</sup> Plucknett, 171.

<sup>117</sup> Plucknett, 171.

<sup>118</sup> Plucknett, 172.

and supporters—that is, accused them of treason. The judges warned the Lords that their appeals were legally defective, but the Lords persisted, declaring boldly that momentous matters "were determinable in parliament alone, and that neither civil nor common law governed them, but only the 'law of parliament.'" They denied that Parliament was the king's Parliament. Rather it was theirs, to be used as they saw fit, including against the ministers of the Crown if necessary. The offending judges were duly impeached and banished, and the baronial triumph seemed complete.<sup>119</sup>

The Lords Appellant, however, had little popular support, and after a year the twenty-two-year-old Richard announced that he would assume personal rule. King and Parliament coexisted for eight years without incident, with Richard appearing to have been humbled. But then in 1397-8 Richard avenged himself against the Lords Appellant, executing or banishing them through appeals of his own carried by his friends in Parliament, the king having finally got control of the legislature. The packed Parliament, moreover, granted Richard a revenue for life, making him independent of itself. Finally, this exceptionally subservient Parliament declared that the king's prerogative was as free and unimpaired as that of any of his predecessors, thus overturning the previous statutes designed to curb it.<sup>120</sup> Richard soon began using armed men to overawe Parliament, compliant though it had proven itself to be. Then he did without it entirely, governing instead through his own select committee of servile magnates in a ruthless manner.<sup>121</sup>

Richard's high-handed behavior so antagonized many of his subjects that in 1399, while he was away in Ireland quelling a revolt, a group of powerful northern families rallied around Henry Bolingbroke, Duke of Lancaster, and Richard found himself deserted and isolated. The insurgent coalition called a national assembly that forced Richard to forfeit the crown; it then named Lancaster King Henry IV (r. 1399-1413). The new monarch declared: "It is the king's wish to be advised and governed by the honourable, wise, and discreet people of his realm, and to do what is best for the government of himself and of the realm by their common counsel and assent." Richard II, like Edward II, was subsequently killed.<sup>122</sup>

#### The Lancastrians: Henry IV, Henry V, Henry VI

Between 1399 and 1439, under the Lancastrian kings until the end of Henry VI's minority, Parliament consolidated the gains it had won in its previous contests with the Crown, especially that of close control over government finances. According to Colin Lovell: "Frequent sessions and the many tasks assigned to it made Parliament appear a natural, eternal, and *essential* part of government."<sup>123</sup>

Henry IV in particular was beholden to his subjects, who after all had placed him on the throne in disregard of hereditary right. Indicative of the new

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<sup>119</sup> Plucknett, 172.

<sup>120</sup> Plucknett, 176.

<sup>121</sup> Wilkinson, 176, 178, 180.

<sup>122</sup> Lovell, 192-194.

<sup>123</sup> Lovell, 195-199.

royal attitude was an incident in the fifth year of Henry's reign. When the Commons asked him to dismiss several of his ministers as well as his confessor he promptly did so, stating that "he would do as much by any other about his person whom he should find to have excited the hatred or indignation of his people."<sup>124</sup>

Yet the extent of the power exercised by Parliament vis-à-vis the king under the Lancastrians, much vaunted though it is by many historians, should not be exaggerated. Parliament did not overawe the king, nor did Henry IV or his successors embrace any notion of "parliamentary rule."<sup>125</sup> Parliament still had little *sustained* influence on policy. Naturally its opinion on initiatives requiring parliamentary grants could not be completely disregarded, but much of governmental activity was not directly dependent on such grants. While the king often had to take into consideration Parliament's likely reaction to any new venture he might wish to undertake, the decision to pursue it was solely his to make, especially in the field of foreign policy.<sup>126</sup> The chaos that engulfed the kingdom in the latter part of Henry VI's reign (described below), when the king was little more than a puppet, demonstrates that for all of Parliament's evolution over the previous century and a half, including under the Lancastrian kings, it was not yet in a position to govern the country by itself. Parliament was an intermittently assembled body with very limited powers; there was no question of it, alone, being sovereign. The Crown was still the fulcrum of government; indeed, it was the prize that the contenders in the Wars of the Roses fought for.

#### FAILURE OF THE SYSTEM: THE WARS OF THE ROSES

There were two very distinct phases of the so-called Wars of the Roses, so much so that they can be treated as two separate sets of wars: (1) those between the houses of Lancaster (red rose) and York (white rose) of 1455-71, and (2) those between York and Tudor of 1483-85.<sup>127</sup> The two were quite different, with different causes. The first were much more intense and sustained than the second, which occurred well within a period of general governmental recovery.

Henry V (r. 1413-1422) was one of the most able of English kings. His son, however, was exactly the opposite. When Henry VI (r. 1422-1471) came of age, after an exceptionally long minority, he proved to be "a man of limited mental capacity," "a political cipher" under the control of his counsellors and his queen. According to Pope Pius II he was "more timorous than a woman, utterly devoid of wit or spirit." In sum, Henry was wholly inadequate as leader of the nation.<sup>128</sup>

Soon after assuming personal rule, Henry lost all of his father's conquests in northern France. His debts mounted spectacularly, due even more to his extravagant patronage than to the cost of his futile military campaigns. Worst of all, a pervasive lawlessness spread throughout the land. As a result of these

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<sup>124</sup> Plucknett, 191.

<sup>125</sup> Wilkinson, 240.

<sup>126</sup> Lovell, 195-199.

<sup>127</sup> A. J. Pollard, *The Wars of the Roses* (New York: St. Martin's Press, 1988), 111.

<sup>128</sup> Charles Ross, *The Wars of the Roses: A Concise History* (New York: Thames and Hudson, 1999), 21, 24, 26, 35.

troubles an angry Parliament impeached Henry's principal minister, William de la Pole, in March 1450. Then in May a popular rebellion broke out, led by one Jack Cade. The rising reflected a deep and widely felt dissatisfaction with the government. But, just as in the Peasants' Revolt of 1381, the rebels had no concrete political aims, and they accomplished little besides entering London and beheading a few of the king's advisers.<sup>129</sup> Later in the year Duke Richard of York, the most powerful English magnate—but a man who, due to rancorous court rivalries, had been excluded from the royal councils and virtually banished to Ireland—appeared on the scene to take advantage of the mayhem.<sup>130</sup> In 1452, after having failed in his attempts to reform the administration through legal means, he resorted to force. But his attempted coup was thwarted and he was lucky to have been allowed to retire to Wales.<sup>131</sup>

In 1453 Henry suffered the first of a series of complete mental breakdowns and became little more than a "useful political vegetable."<sup>132</sup> (Henry's grandfather, Charles VI of France, had been a raving lunatic for many years.) In March 1454 York, who happened to be the senior male member of the royal family, was called back to court to head a protectorate. But then Queen Margaret gave birth to a son. No longer heir presumptive, York's position became untenable; worse yet for him, Henry recovered his sanity in early 1455. And so York withdrew from court, raised an army, and defeated the royal forces at St. Albans, after which Henry again lapsed into insanity. York's protectorate was restored, but Lancastrian resistance continued.<sup>133</sup>

The end result of the first Wars of the Roses was that the Lancastrian dynasty was destroyed and Edward IV, son of Richard of York—the latter having been finally killed in battle—was placed on the throne. Fortunately for England, Edward IV (r. 1461-1483) was an intelligent and resourceful ruler. Henry VI was eventually captured and imprisoned in the Tower, where he died in 1471.

### Analysis

The parallels between the conflicts during the respective reigns of Henry III and Henry VI are striking: a long minority followed by the personal (mis)rule of an incompetent king, spectacular military failure, popular discontent, a popular champion leading the opposition, and civil war. The major difference is the absence in the second episode of any attempt at fundamental constitutional transformation. Unlike Simon de Montfort, York was not a radical reformer; he mainly wanted simply to be king.

The central problem of Henry VI's reign, as of several previous reigns, was the person of the monarch. Although a number of other factors were involved, and alternative explanations have been put forward—the economic recession of the mid-fifteenth century; the ending of the Hundred Years' War, which turned adventurous militarism inward; the growth of "bastard feudalism," i.e. the

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<sup>129</sup> Ross, 24; Wilkinson, 277.

<sup>130</sup> Ross, 26.

<sup>131</sup> Ross, 29.

<sup>132</sup> Ross, 52.

<sup>133</sup> Pollard, 22-3.



practice of retaining private armies; and the escalation of private feuds—the principal cause of the first Wars of the Roses was the unprecedented weakness of the king. Given the entrenched veneration of the king and his office in England, and the lack of a developed alternative locus of governmental authority, it was no easy task to deal with an inadequate monarch; indeed, the situation invariably imperiled the realm.<sup>134</sup>

The king's greater subjects had always been powerful personages. It could be difficult to win the trust, and maintain the respect, of such men. "The political world [some 200 individuals] was small, familial and claustrophobic," A. J. Pollard reminds us. The institution of hereditary monarchy therefore "placed a special burden on the personal qualities of the man born to be king. An unstable and unpredictable man like Richard II, or a weak and feckless man like Henry VI, was always likely to place an intolerable strain on the political process."<sup>135</sup> As the relative power and prestige of the aristocracy increased, whether as a result of natural social evolution or the appeasement policies of accommodating kings like Edward III, it became more and more difficult for kings to enforce their authority if they themselves were not superior executives, and the pressure on them grew ever greater. By the middle of the fifteenth century the margin of error for English monarchs was pretty thin. Yet here was Henry VI, "perhaps the most unfitted to rule of all the kings of England since the Norman conquest."<sup>136</sup> An incompetent Henry guaranteed turmoil; an incapacitated Henry was equivalent to a vacant throne. It was this second situation that had led to dynastic civil war.

## THE RESURGENCE OF MONARCHY

### Edward IV and Richard III

Edward IV, the man who emerged victorious from the first Wars of the Roses, was a competent and apparently popular king. However, a contention that soon arose between him and the powerful Richard, Earl of Warwick, resulted in renewed civil war and Edward's flight to Burgundy. Edward recovered and finally prevailed over a coalition of his enemies, regaining the throne. But the new Yorkist regime was no longer as dependent on popular support as it had originally been. Edward consolidated his power and conserved his financial resources. He then largely did without Parliament, thereby effecting a notable enhancement in the power and independence of the Crown, reversing at least for the moment the longer-term trend.<sup>137</sup> More so than had the Lancastrian kings, the monarch now dominated his council, determining its composition and appointing few great (i.e. independent) lords to it; he likewise dominated his household officials.<sup>138</sup>

Edward was able to gain a large measure of freedom from parliamentary control by securing revenues from sources other than parliamentary grants.

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<sup>134</sup> Ross, 42.

<sup>135</sup> Pollard, 48-50.

<sup>136</sup> Pollard, 62.

<sup>137</sup> Wilkinson, 294.

<sup>138</sup> Lunt, 274-275.

These included estates confiscated from Lancastrian nobles in the recent conflict, "benevolences" extorted from wealthy persons, frequent tenths levied on the clergy, and heavy fines extracted from subjects through the courts. One of the few Parliaments that did meet saw fit to grant Edward tonnage and poundage and other customs revenues for life. Edward's considerable income, together with his domestic thriftiness and his avoidance of expensive foreign wars, enabled him to escape Parliament's constraining power of the purse.<sup>139</sup>

Yet the Yorkists—Edward IV and Richard III (see below)—were not particularly anti-parliamentarian (the converse of the supposed Lancastrian parliamentarianism), as some historians have suggested. "They wished," says Lovell, "to keep Parliament in its place, a necessary but not the central part of government. Both Edward and Richard recognized its powers in granting taxes and enacting statutes, but they had no intention of allowing it to dictate or supervise their policies."<sup>140</sup>

Edward IV died suddenly in April 1483 after having presided over a relatively stable regime in his last years, and his twelve-year-old son became King Edward V. But the royal Protector, Edward IV's brother Richard, unaccountably usurped the throne and apparently had his nephew murdered. This was the simple cause of the second Wars of the Roses, which interrupted the recovery of Crown authority that was well under way during Edward IV's reign.<sup>141</sup> Richard III (r. 1483-1485) was reasonably effective as king, but he never won the respect of a majority of his subjects. Henry Tudor, who was weakly connected to the Lancastrian royal line, returned from exile with an army and put an end to Richard's brief, unstable reign.

## Henry VII

The Wars of the Roses did not amount to an unmitigated collective suicide on the part of the baronage, as was once thought. But magnates of the top rank—those powerful enough to challenge kings—did in fact decline dramatically in number, from about a dozen in the late Lancastrian/Yorkist period to only a couple by the end of the first decade of the sixteenth century. In any event, given their recent experience of extreme violence and mayhem, many nobles were now understandably disenchanted with politics. The clever and able Henry VII (r. 1485-1509) further denuded the aristocracy by creating few new peers and allowing existing peerages to lapse when they became vacant. More importantly, he kept the nobility in line through a system of control involving the promise of restoration of property for good behavior and the threat of punishment—including crushing financial penalties—for belligerence. The leading members of the Tudor nobility were thereby made creatures of the court, quite unlike the semi-independent regional potentates of the mid-fifteenth century. The newest generation of nobles thus lost both the inclination and the ability to take up arms against the king.<sup>142</sup>

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<sup>139</sup> Plucknett, 184; Lunt, 276.

<sup>140</sup> Lovell, 204.

<sup>141</sup> Pollard, 70, 73.

<sup>142</sup> Ross, 155-6.

Henry VII extended the monarchy-enhancing practices of Edward IV. He continued the process of restoring the royal finances, through similar means pursued even more intently. He followed Edward's example and summoned few Parliaments, his first likewise giving him tonnage and poundage for life. This source of revenue became ever more valuable to the monarchy as foreign commerce increased. Finally, again like Edward, Henry refrained from making war and he practiced strict economy, so much so that he gained the reputation of being a miser.

Henry VIII and Elizabeth I, the other two long-lived Tudor monarchs of the sixteenth century, also presided over relatively strong regimes. It may appear to the historical observer, then, that the Tudors succeeded in reversing the centuries-long trend of the gradual weakening of the king vis-à-vis his subjects. This is not entirely so. The Tudor monarchs were no doubt stronger than their immediate predecessors, but this was mostly due to their remarkable personal abilities. Structurally the monarchy's power had, over the centuries, become fragile and contingent upon the assent and cooperation of an ever-widening political class, with the success of particular reigns becoming ever more dependent on the personal qualities of their respective kings.<sup>143</sup> The three major Tudor monarchs were an exceptional batch, and this made for an extended period of stable government. But the importance of Parliament as an alternative seat of power continued to grow apace, even if at times in the background. Unbeknownst to contemporaries, since such things can only be discerned in hindsight, the days of absolute monarchy of the type in place in England since the Norman Conquest were numbered. The Stuart kings and the English nation would at length find this out.

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<sup>143</sup> Pollard, 112.

### III. MONARCH VS. REFORMATION

The previous chapter chronicled the periodic constitutional crises that arose in medieval English politics as the nobility repeatedly asserted itself in the face of difficult or deficient kings. The great rebellion of 1649 can be viewed as the latest such eruption, similar in nature but more consequential in outcome. It was, however, a long time in embryo.

The typical account of the English Revolution lists a number of its "causes," which are then examined, rather undifferentiatedly, in detail. Among these are usually (1) religious antagonism, (2) constitutional conflict, (3) economic upheaval, and (4) the personality of Charles I. Although such an approach certainly has merit, a simpler method might well yield greater explanatory power, namely to think in terms of a *problem* and an *issue*. The central problem of English politics, now as before, was the institution of monarchy. The notoriously unattractive character of Charles I was not a separate matter but rather was part and parcel of the larger problem of the nature of the monarchical political system, for it is inherent in hereditary monarchy that inferior persons will at times come to the throne. The issue, at this point in time, was religion—and what a momentous issue it was. As for economics, it is always, in a revolutionary period as at other times, a complex, contentious, and important aspect of society, but there is little indication that in sixteenth- or seventeenth-century England it was a primary cause of revolution.

Religion was the major concern of the Puritan revolutionaries, as it was for most articulate people of that era. The seventeenth-century English revolutions taken together (1642-9 and 1688) can be regarded as a political extension of the long English Reformation, a religious movement against the established Church and the traditional religion of the kingdom, which many Englishmen felt were fatally flawed and had to be replaced. The Puritan reform movement began at the accession of Elizabeth, when, due to the queen's innate conservativeness, she refused to pursue the innovative and hierarchy-threatening religious agenda of the returned Marian exiles. The queen's obstructive policy was continued by James I, who was as jealous of his prerogative as his predecessor had been and who saw as clearly as she did that any radical transformation in the Church would inexorably lead to a corresponding one in the state. Since the reformers found that they could not enlist the aid of the monarch in their quest for religious reform, they made use of an alternative locus of power: Parliament. Hence the contest for sovereignty between king and Parliament, which would explode in the reign of Charles I, James' son.

Since this chapter revolves so heavily around religion, a word of explanation about the place of this subject in academe and in the author's thinking is in order (otherwise the reader might conclude that I am something of a religious fanatic!). Probably most historians, like most modern scholars, are irreligious. I, for one, am an atheist, and until fairly recently I was shamelessly uninterested in the religious aspects of the places and periods I studied, preferring instead to focus on the political, the economic, and the social. But I have since come to suspect strongly that the Bible, upon which Christianity is of course based, largely chronicles real events. The Jews of the Old and the New Testaments were primitive peoples who underwent truly mind-boggling

experiences; hence the fantastic quality of their stories. Yet, except for its most chimerical sections such as the opening chapters of Genesis, the Bible is not myth. There were nonhuman beings involved in this great drama and they were real, but they were not supernatural; they were aliens (of the UFO variety). Since this point of view is taboo in respectable circles, the less said about it the better. But if one believes that religion, in some cases at least, is based on reality rather than on psycho-social imaginings, then one is led to take it and its historical hold on people much more seriously and sympathetically. In short, the beliefs of the Christians of the period under study, being ultimately founded in reality, were not (all) rank mumbo-jumbo. Therefore, to the degree that these beliefs motivated political behavior, which they manifestly did to a very large extent, they deserve respectful consideration by the judicious historian.

## MEDIEVAL RELIGION AND THE EARLY REFORMATION

### The medieval Church

Religion in England during the Middle Ages was not a realm separate from everyday social and intellectual life, as it is for most people today, even for many who consider themselves religious. On the contrary, it keenly preoccupied people in their daily lives and it thoroughly suffused society as a whole.<sup>1</sup> Moreover, it was profoundly sacramental. Medieval folk believed that God transmitted his grace to them through sacred objects, sacred rituals, and sacred places. Most importantly, Christ became manifest among the faithful during the mass, when the elements—the bread and wine—turned into his body and blood (this is the doctrine of transubstantiation). It was also held by the people that prayers would help those in purgatory get into heaven. Hence the establishment of chantries, where priests said daily masses for the dead. Belief in saints was another major feature of medieval religion. These persons were "very special dead" who could intercede with Christ in heaven on behalf of earthly supplicants. Saints were ubiquitously represented in statues, paintings, and stained-glass windows. Their supposed relics were sometimes housed in special shrines, to which the devout travelled on pilgrimage in order to avail themselves of the saints' miraculous, curative powers. "There was," says Peter Marshall, "without doubt a strong desire for the emotional, the tangible and visible in religion."<sup>2</sup>

By the fourteenth century, however, a certain dissatisfaction with the traditional religion and the established Catholic Church had begun to set in among some people. One side of this discontent signified a reaction against the fervent, unintellectual sacramentalism described above. This critical mood is well captured (albeit elsewhere and somewhat later) by Erasmus: "Oh, the folly of those who revere a bone of the apostle Paul encased in glass and feel not the glow of his spirit enshrined in his epistles!"<sup>3</sup> The other perceived problem was the excessively bureaucratic nature of the medieval Church. Bishops were key

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<sup>1</sup> Hylson-Smith, 1:277.

<sup>2</sup> Peter Marshall, *Reformation England 1480-1642* (London: Arnold, 2003), 8.

<sup>3</sup> Roland H. Bainton, *Christianity* (Boston: Houghton Mifflin, 1964), 233.

figures in royal government, and the Church hierarchy was an integral part of the political establishment: there was, in this era, no "separation of church and state," either in actuality or as an ideal. In time some of the laity began to feel that the Church had become excessively legalistic, authoritarian, and remote. It had little to do with faith, spirit, or actual cure of souls.<sup>4</sup>

Yet sacramentalism had been the accepted style of worship for centuries, while the Church had grown so august and powerful that it was difficult for anyone to criticize it, much less resist it. That a challenge to both the traditional worship and the established Church finally arose was due at least in part to an increase in the literacy and education of the higher echelons of the populace. The founding of Oxford and Cambridge universities in the early thirteenth century was a factor in this development. Another factor was that the English language was rapidly becoming accepted among the upper classes and in official circles at about this time. (French and Latin had long been the formal languages of government and Church respectively.) Historical chronicles, for instance, were starting to be written in the vernacular. In 1376 Parliament was opened for the first time with an English-language ceremony.<sup>5</sup>

The effect of increased literacy on the religious and intellectual life of the more prosperous classes was profound. The laity became more interested in theological issues and more questioning in their attitude toward religion and the Church.<sup>6</sup> While the illiterate masses experienced religion visually, through image and spectacle, the literate gentry, says Marshall, "could reflect on the inner meaning of religious texts . . . [and] were beginning to look down on popular religion with its shrines, pilgrimages and miracles."<sup>7</sup> Yet books on saints and marvels still far outnumbered serious works by scholastic theologians, while English Bibles were nowhere to be found, since unsanctioned translation of the (Latin) Bible into the vernacular was prohibited in the early Middle Ages, the ecclesiastical authorities having decided that the reading of the Bible by laymen was a serious threat to the social order.<sup>8</sup>

#### Wyclif, the Lollards, and the pre-Reformation Church

The first great Church reformer in England was the fourteenth-century Oxford scholar John Wyclif (1330-84). He believed that the text of the Bible was direct from God and the source of eternal truth; its inculcation by the devout was therefore all that was necessary for their salvation. It followed from this that Scripture alone should be the basis of Church doctrine.

There is in fact little precedent in the Bible for many of the practices and features of the medieval Catholic Church such as the mass as repeated sacrifice, the immense wealth and political power of bishops, and the imperial ecclesiastical authority claimed by the Pope. These and other errors and abuses, Wyclif felt, stemmed from a failure to recognize and respect the true teachings of the Bible. He insisted that the Bible be translated into the mother tongue and expounded to

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<sup>4</sup> Hylson-Smith, 2:229.

<sup>5</sup> Hylson-Smith, 3:76.

<sup>6</sup> Hylson-Smith, 2:248, 264.

<sup>7</sup> Peter Marshall, 10.

<sup>8</sup> A. G. Dickens, *The English Reformation* (New York: Schocken Books, 1964), 8-9.

laymen by a learned priesthood acting not as quasi-divine mediators but as humble teachers.<sup>9</sup> Such direct and uncompromising attacks on the mass, priests, and the Pope amounted to a dangerous assault on the contemporary Church. Despite the slowly changing climate of opinion among educated Englishmen described above, Wyclif was well ahead of his time in the sharpness of his critique. He was condemned by the authorities, banished from Oxford, and silenced. Yet his ideas lived on.<sup>10</sup>

Wyclif was an academic, not a propagandist. He left it to his followers, known as Lollards, to spread his ideas—and to be ruthlessly persecuted for their efforts. The Wyclifite/Lollard program of reformation included among its primary tenets (1) a view of the eucharist as a memorial rather than a sacrifice (i.e. against transubstantiation), (2) the view that those to be saved are chosen by God before they are born (the doctrine of predestination), and (3) the necessity of eliminating all physical manifestations of the temporal Church (as violations of the Second Commandment prohibiting graven images).<sup>11</sup> In general the Lollards asserted that the elaborate ritual, the materialism, and the coercive jurisdiction of the fourteenth-century Church could not be justified from the example of the simple lives of Christ and his disciples as recorded in the New Testament.<sup>12</sup> In 1395 they addressed a manifesto called the *Twelve Conclusions* to Parliament and to Pope Boniface IX. In it they denounced, among other things, the doctrine of transubstantiation; the idolatry of pilgrimages and of prayers to images; the priesthood as a whole and its power of absolution in particular; the clergy's abuse of its spiritual authority to exalt itself and to extort money for its services; exorcisms; benedictions pronounced over inanimate objects; and chantries.<sup>13</sup>

The attitude of Reginald Pecock, Bishop of Chichester, exemplifies the kind of resistance the Lollards encountered to their message of individual enlightenment. "He was genuinely shocked," says Kenneth Hylson-Smith, "at what he saw as the presumption of the Lollards in pitting their individual consciences against the consensus conscience of a church that was nearly 1500 years old. He failed to understand how [ordinary] people could sincerely think themselves better able to judge about the teaching of the Bible than trained experts. . . . [Reason was required] in the interpretation of the Bible. . . . [In] the application of reason to faith and Scripture, the church and not the individual [was to him] the rightful arbiter."<sup>14</sup>

In 1401 Parliament authorized the apprehension of heretics and their execution by burning at the stake. In 1407 the Wyclifite Bible, an English translation of the Scriptures undertaken by the Lollards, was banned.<sup>15</sup> The ensuing persecution drove the Lollards underground. (They would resurface in the next century and merge with a new breed of reformers.)

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<sup>9</sup> Hylson-Smith, 2:268.

<sup>10</sup> Wilkinson, 217.

<sup>11</sup> Hylson-Smith, 3:29.

<sup>12</sup> Dickens, 25.

<sup>13</sup> Hylson-Smith, 3:32.

<sup>14</sup> Hylson-Smith, 3:94.

<sup>15</sup> Peter Marshall, 16.

The most outspoken advocates of Church reform were thus silenced, but the coming Renaissance would accelerate the general restlessness of the intellectual classes. Europeans, it will be recalled, first found out about the Americas—truly a new world to them—in 1492, while at about the same time Copernicus determined that the earth revolved around the sun rather than the other way around, as had always been the unquestioned belief among Christians. Hylson-Smith reminds us that these and other mind-bending discoveries "widened the whole mental as well as material horizons of men and women."<sup>16</sup> Humanists, moreover, were discovering ancient texts from the Mediterranean and the Middle East and basing their scholarship on primary sources as never before.

While human knowledge and understanding were thus expanding wildly, the condition of the Church and contemporary religious practice were felt more and more, at least by the educated, to be unsatisfactory. By the beginning of the sixteenth century the Church was coming to be perceived by many as a veritable racket. John Calvin, the great reformer of Geneva, wrote in his *Institutes of the Christian Religion* that "If we look in the face the system of ecclesiastical government which is in vogue today throughout the whole papacy, we shall find no such excessive brigandage the world over. Assuredly the whole thing is so different from and so repugnant to the institution of Christ, and so remote from the ancient form, so contradictory to both nature and reason, that one could not do a greater injury to Christ than to claim His name as a colour for such a disordered and depraved regime."<sup>17</sup>

Some English clerics were beyond the pale in the extent of their venality. The infamous Cardinal Wolsey, for example, held simultaneously the archbishopric of York, the bishopric of Winchester (the wealthiest in England), and the abbacy of St Albans (the richest in England), "and he neglected them all."<sup>18</sup> Wolsey's son "while still a schoolboy was dean of Wells, provost of Beverly, archdeacon of York, archdeacon of Richmond, chancellor of Salisbury, prebendary of Wells, York, Salisbury, Lincoln and Southwell, rector of Rudby in Yorkshire and of St. Matthew's, Ipswich. . . . [H]is annual revenues amounted to about £2,700, then over 250 times the income of a poor country parson."<sup>19</sup>

On top of displaying boundless avarice in their monopoly of lucrative offices, many ecclesiastics were harsh and exacting landlords to their poor tenants, while others engaged in trade like common merchants. Still others spent most of their time at court or in the households of great lords. In all such cases they neglected their duties of providing preaching and moral instruction to their parishioners.<sup>20</sup> Many parish priests were ill-educated; in any case they were often uninspired and uninspiring—"dumb dogs" and "hireling shepherds" to their critics. They were, says Hylson-Smith, "just able to keep dogmas alive. It was a mere holding operation." They were unable "to impart vigour to their preaching . . . so that what they taught came alive to their parishioners." In a

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<sup>16</sup> Hylson-Smith, 3:275.

<sup>17</sup> James MacKinnon, *Calvin and the Reformation* (London: Longmans, Green, 1936), 259.

<sup>18</sup> Hylson-Smith, 3:135.

<sup>19</sup> Dickens, 39.

<sup>20</sup> Dickens, 95.



word, they were better equipped to proclaim the law than to induce faith. Such clergy, both great and small, were of little help to a laity strenuously seeking to understand the difference between true belief and useless, indeed nefarious, superstition.<sup>21</sup>

### The new reformers

If a precise date is needed to mark its start, the English Reformation can be said to have begun in 1521. This was the year a group of reformers met at Cambridge to discuss the rediscovered gospel. A similar group soon followed suit at Oxford. These scholars brought to the English universities an awareness of Martin Luther and other emerging Reformation champions on the Continent.<sup>22</sup> The keystone of Luther's teaching was the doctrine of Justification by Faith Alone, which he derived from the New Testament writings of St. Paul. This held that inward faith in Jesus Christ (itself an inscrutable gift, or "grace," of God), not personal merit, good works, or any external practice or observance, much less the intercession of any intermediate authority, was the means to salvation.<sup>23</sup> Obviously this doctrine was at odds with the superstitious cults of popular religion as well as the grotesque church regime of Cardinal Wolsey, both now regarded as monumental distractions from, and perversions of, the principles of true religion, for which Scripture and its unadorned portrayals of Christ and the primitive Church were the sole valid exemplars. If opposition to the current practices was heresy, said John Bale, then Jesus was a heretic.

For he never allowed [these] ceremonies. He never went [on] procession with cope, cross, and candlestick. . . . He never gave orders nor sat in confession. He never preached of purgatory or pardons. He never honored saints nor prayed for the dead. He never said mass, matins nor evensong. He never fasted Friday nor vigil, Lent nor Advent. He never hallowed church nor chalice, ashes nor palms, candles nor bells. He never made holy water nor holy bread. . . . But such dumb ceremonies not having express commandment of God he called the leaven of the Pharisees and damnable hypocrisy, admonishing his disciples to beware of them. He curseth all them that addeth unto his word such beggarly shadows, wiping their names clean out of the book of life.<sup>24</sup>

The authorities predictably answered the renewed doctrinal challenge with draconian measures, and the reformers once again suffered lethal persecution. Thomas More, who replaced Wolsey as chancellor in 1529, was horrified by the new heresy, and he determined to stamp it out. By way of example he had an importer of books burnt in Kent in February 1530, followed by the Cambridge scholar Thomas Bilney at Norwich in August 1531, the latter having been guilty of preaching against the veneration of images and the cult of saints.<sup>25</sup>

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<sup>21</sup> Hylson-Smith, 3:140.

<sup>22</sup> Hylson-Smith, 3:278.

<sup>23</sup> Dickens, 60.

<sup>24</sup> M. M. Knappen, *Tudor Puritanism* (Chicago: University of Chicago, 1939), 66.

<sup>25</sup> Peter Marshall, 28.

Meanwhile a Gloucestershire priest named William Tyndale attacked the Church, as Hylson-Smith explains, "for deliberately engineering falsehood. He castigated it for being a huge system of lies . . . a tissue of deceits, with the primary aim of putting money into the hands of the clergy [who] claimed a monopoly of control over a complex array of church practices that were presented as the only way to eternal life."<sup>26</sup> Such clerics depended for their livelihood on the ignorance of the laity; hence their resistance to translations of the Bible. Translation of the Bible into English, the language of the common people—or even just reading the Bible—had been variously restricted throughout the Middle Ages.

Tyndale resolved to produce an English version of the New Testament so that the laity might finally be able to read and learn for themselves the most crucial parts of Scripture. He acquired the necessary funding from a wealthy London merchant and then went to the Continent to have the printing done. The work was completed in 1526, and copies of it soon flooded England illegally. Tyndale rendered some of the Greek terms unconventionally and in a more egalitarian spirit, for example "congregation" instead of "church," and "elder" instead of "priest." Moreover, his New Testament contained—as translations of the Bible were henceforth wont to do—not merely the original text of Scripture but also marginal notes of distinctly Protestant tenor to guide the reader. "[I]t was now revolutionary," says A. G. Dickens, "to hand laymen a Bible which seemed not even to mention priests or the Church. . . . Our own age can only by an effort of imagination grasp the full impact of the vernacular Bible upon a generation . . . from which the private study of the Scriptures had been so rigorously withheld. It . . . [was a] new awakening."<sup>27</sup> Such was the impact of Tyndale's New Testament that the Bishop of London issued a proclamation (largely ignored) demanding that all copies of the work be turned in under pain of excommunication.<sup>28</sup> In 1536 Tyndale himself was seized and burnt to death. Many other evangelists were also executed for their religious convictions.

In sum, the Reformation, in England as elsewhere in Europe, was a breathtaking intellectual awakening, arguably the greatest in all of Western history. It stirred medieval men and women to the depths of their souls and impelled them to think in new ways and to undertake perilous labors.

### The Henrician reformation

While the evangelical reformers sought to transform the kingdom's religious dispensation, King Henry VIII (r. 1509-1547) likewise found himself in conflict with the Roman Church, but for different reasons. Ultimately he would find it necessary to launch a parallel official reformation.

The trouble for Henry began when he and his queen, Catharine of Aragon, found themselves unable to produce a son. Henry was anxious to beget a successor to the throne and thereby secure the Tudor regime founded by his father. At a time when the lineages of kings very much defined states (hence

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<sup>26</sup> Hylson-Smith, 3:162.

<sup>27</sup> Dickens, 71-2.

<sup>28</sup> Knappen, 20.

*kingdoms*) and disputed successions invited civil war, this was no extravagant obsession. The disastrous Wars of the Roses resulting from a disputed succession were still very much on people's minds.

Henry resolved to have his issueless marriage annulled so that he could marry another woman, Anne Boleyn. But negotiations with the Pope, whose authorization he needed for such an act to be regarded legal by the Roman Church, failed in 1529. So Henry took matters into his own hands, enlisting the aid of Parliament in the process. The various legislative measures of the official reformation are encapsulated in the self-explanatory Act of Supremacy of 1534, which broke with Rome and made the king rather than the Pope the chief authority in the English Church. However, the doctrinal as opposed to the jurisdictional transformation of the Church through the course of Henry's reign was much more modest, since the king, whose overriding goals had been to win his divorce and expand his power, was at best ambivalent about actual religious reform.

It should be kept in mind that until he acquired a material interest in breaking with Rome and therefore found it expedient to court the Protestant reformers, Henry was perfectly orthodox in religion. He never in his life professed to be anything but Catholic. In 1521 he published a rejoinder to Luther's argument against the Catholic doctrine of the sacraments that won for him the title of Defender of the Faith from the Pope. At that time the English Crown was completely opposed to the reform movement.<sup>29</sup> But the subsequent divorce campaign waged against the Catholic suzerain naturally brought royal favor upon the evangelicals. Heretics were released from prison and the persecution of Protestants lessened. A number of Protestant sympathizers were promoted to high office, including Thomas Cromwell and Thomas Cranmer, the latter to the archbishopric of Canterbury in 1532.<sup>30</sup> Anne Boleyn herself, until Henry had her executed in 1536, was another powerful friend of reform.

Along with these personnel changes, the break with Rome inevitably altered the doctrinal climate somewhat, more in spite of Henry than because of him. The Ten Articles of 1536 were an auspicious start for the evangelicals. Belief in purgatory, the worship of saints, the veneration of relics and images, and religious pilgrimages were all discouraged.<sup>31</sup> Between 1536 and 1540 the government also began dismantling the land-rich monasteries. Not only were these ripe plums for the Crown's coffers, they were also religiously and politically suspect for several reasons: they were staunch opponents of the royal supremacy; they had strong links with Rome; they were implicated in the 1536 quasi-Catholic rebellion known as the Pilgrimage of Grace; they encouraged idolatry by upholding the false doctrine of purgatory and by housing relics and shrines; and they were in general considered fraudulent institutions by many reformers.<sup>32</sup>

Royal policy for a while certainly favored Protestantism. In 1538 work began on the Great Bible, the first complete Bible printed in English.<sup>33</sup> But then

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<sup>29</sup> Knappen, 32-3.

<sup>30</sup> Peter Marshall, 40.

<sup>31</sup> Knappen, 51.

<sup>32</sup> Peter Marshall, 45.

<sup>33</sup> Dickens, 133.

in November Henry, exclaiming he would not be a patron of heretics, ordered the execution of one John Lambert, who had advocated a radical Protestant (Zwinglian) version of the eucharist. Henry followed this up with the reactionary Act of Six Articles of 1539. This statute, denounced by Protestants as "the whip with six strings," made it a capital offense to deny transubstantiation or the necessity of auricular confession, or to advocate the distribution of both elements—bread and wine—to the laity in the mass (the Catholic Church had for a long time denied worshippers the cup). Finally, the king had Cromwell arrested and executed for treason and heresy in July 1540. He then took counsel from the conservative Catholic bishop Stephen Gardiner, who pressed him to withdraw the English Bible, arguing that it encouraged religious dissension. Henry responded with the Orwellian Act for the Advancement of True Religion, which prohibited the lower classes from reading Scripture!<sup>34</sup>

*The King's Book* of 1543 further showed that, except for the replacement of the Pope with the king as its head, the English Church retained much of Catholic orthodoxy, including the doctrine of transubstantiation, the mass in one kind, an unmarried clergy, Latin services, and the traditional ecclesiastical costume. Masses for the dead were reauthorized and the doctrine of justification by faith was rejected.<sup>35</sup> In fact the Catholic party remained strong in the Privy Council at the end of Henry's reign, still intent on stamping out heresy. Having bucked Rome, Henry could never again be considered unqualifiedly Catholic, yet he remained much more Catholic than Protestant.<sup>36</sup> At any rate, the extent of the impact of the official reformation in England was uncertain upon the king's death in 1547. Since, as always in the English monarchy, the personal preferences of the monarch were of critical importance to state policy, and these were ambiguous in Henry's mind, state policy was likewise less than perfectly clear.

Nonetheless the Henrician reformation represented a seismic socioreligious shift. The status of the papacy was drastically downgraded and age-old religious houses were eradicated. "Whole areas of ancestral piety," says Marshall, "had been reclassified as worthless 'superstition,'" while the now more readily accessible Bible was, to the satisfaction of Protestants, fast becoming the yardstick by which contemporary religious practice was judged.<sup>37</sup> In other words, Henry had unintentionally broken the Catholic Humpty-Dumpty and religion in England would never again be the same.

#### Edwardian progress and Marian reaction

Henry VIII's Protestant son Edward VI (r. 1547-1553) was only nine years old when he ascended the throne. A Protectorate was therefore established, led by the evangelical Edward Seymour, Duke of Somerset. Archbishop Cranmer, with the encouragement of returned exiles and newly arrived continental

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<sup>34</sup> Peter Marshall, 46-7.

<sup>35</sup> Hylson-Smith, 3:230; Knappen, 54.

<sup>36</sup> Hylson-Smith, 3:232.

<sup>37</sup> Peter Marshall, 57.

reformers, was intent on effecting a thoroughgoing reformation of the Church. For once the evangelicals were completely in control.<sup>38</sup>

A Book of Homilies was forthwith issued that repudiated the notions of purgatory and salvation by good works and that taught the doctrine of justification by faith. The government ordered the destruction of all images in churches, including statues, wall-paintings, and tomb inscriptions. Chantries were abolished. The first Parliament of the reign retracted the notorious Act of Six Articles and did away with all restrictions on the printing, reading, teaching, and expounding of the Bible. At the same time the government positively sanctioned the publication of books by such writers as Wyclif and Luther and, in churches, began replacing all stone altars (which had implied sacrifice) with wooden communion tables (which implied commemoration).<sup>39</sup> Cranmer moved steadily toward an English-language mass and in 1549 produced an English prayer book, finally leaving nothing in Latin. The Church service, heretofore performed in an incomprehensible language, could now be fully understood by all the participants. And it was redesigned to be a thanksgiving and a memorial service to Christ's original sacrifice rather than a sacrifice supplementing the original one on the Cross.<sup>40</sup>

Strenuous efforts were made during this period to secure a more learned clergy able to preach effectively. A survey conducted by Bishop John Hooper of the three hundred parish priests in his diocese revealed a shocking degree of ignorance among them. Over half were unable to repeat the Ten Commandments. One in ten did not know where either the Ten Commandments or the Lord's Prayer were located in the Bible, or who the author of the latter was. Ten could not even say the Lord's Prayer. Hooper took steps to improve this situation. His priests were henceforth to study one book of the Bible each quarter and then be examined on it. They would also be brought together every three months for a discussion of current theological controversies. Finally, superintendents were appointed to supervise them.<sup>41</sup>

Somerset was not only a religious reformer but something of a social reformer as well. He opposed the depredations of the nouveaux riches, including enclosures. He was too progressive, in fact, for his fellow elites, and for this reason among others a reaction arose among them that ended his protectorate.<sup>42</sup> He was replaced as effective head of state in the autumn of 1549 by the Earl of Warwick, soon to be Duke of Northumberland. Nevertheless the advance of the Protestant Reformation continued apace. In 1550 Nicholas

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<sup>38</sup> Hylson-Smith, 3:238.

<sup>39</sup> Hylson-Smith, 3:239-40.

<sup>40</sup> Dickens, 219. The Book of Common Prayer was not, as someone unfamiliar with it might assume, a short set of standard prayers; rather it was literally a book-length compendium of the sundry seasonal rites and rituals--mind-boggling to the uninitiated--constituting almost the whole of official religious practice. It was therefore the focus of wide and considerable attention. The full title of the 300-page 1559 prayer book was *The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies in the Church of England*.

<sup>41</sup> Knappen, 100.

<sup>42</sup> James Williamson, *The Tudor Age* (New York: David McKay, 1964), 204-7; Dickens, 228.

Ridley, the new Bishop of London, enjoined his clergy to remove the altars in their churches and replace them with "honest table[s]." As he explained: "Now, when we come unto the Lord's board, what do we come for? To sacrifice Christ again, and to crucify him again, or to feed upon him that was once only crucified and offered up for us? If we come . . . spiritually to eat his body, and spiritually to drink his blood (which is the true use of the Lord's Supper) then no man can deny but the form of a table is more meet for the Lord's board, than the form of an altar." The Privy Council then ordered all the bishops to follow Ridley's example.<sup>43</sup>

The first prayer book of Edward's reign, that of 1549, was still to a significant degree infused with the old religion. The second of 1552, however, was carefully drafted by Cranmer with input from advanced continental reformers. The word "mass" did not appear in it, communion tables replaced altars, and most of the medieval sacerdotal vestments of the clergy were eliminated.<sup>44</sup> In 1553 the Forty-Two Articles did away with transubstantiation, the sacrificial mass, purgatory, and clerical celibacy.<sup>45</sup> There is no question that by the end of Edward's short reign (he was a sickly child and died at age 17) the Church of England had been radically remade along Protestant lines.<sup>46</sup>

Then, succeeding Edward, his Catholic sister Mary I (r. 1553-1558; daughter of Catherine of Aragon) completely reversed all the Protestant advances. She promptly brought back the papal supremacy and worked to restore Roman Catholicism in England. During her brief reign she reintroduced the Catholic mass, prohibited preaching, and married Prince Philip of ultra-Catholic Spain. The arrival of the papal legate, Cardinal Pole, further bolstered the Catholic cause.<sup>47</sup> Committed Protestants faced martyrdom unless they went into exile. The departure of so many able men weakened the parliamentary opposition to the queen's policies, leaving only a few ill-organized opposition members.

The new royal religious policy had teeth: the Church condemned heretics to death and the Crown burned them. By the time of Mary's death, her campaign of persecution had taken the lives of about three hundred Protestants. The principal heresy for which these obdurate men and women were executed was their denial of transubstantiation, that most important Catholic doctrine underpinning the mass. Its affirmation or denial was, in this hyper-religious age and particularly during this reactionary reign, literally a matter of life or death.<sup>48</sup> But unlike the Lollards of the fifteenth century or even the heretics of Henry VIII's early reign, the Protestants were now very numerous; there was no question of their easy suppression. Mary was determined to eradicate them, but her early death cut short the attempt.<sup>49</sup>

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<sup>43</sup> Dickens, 247.

<sup>44</sup> Leo Solt, *Church and State in Early Modern England, 1509-1640* (Oxford : Oxford University Press, 1990), 52.

<sup>45</sup> Hylson-Smith, 3:249.

<sup>46</sup> Lovell, 264.

<sup>47</sup> Hylson-Smith, 3:258.

<sup>48</sup> Hylson-Smith, 3:264.

<sup>49</sup> Williamson, 237; Hylson-Smith, 3:259.

The Marian exile and the making of revolutionaries

As a result of Mary's savage persecution, some eight hundred leading Protestants went into exile on the Continent. Some of these men propounded quite advanced political ideas. In 1556 at Strassburg, John Ponet (bishop of Winchester) wrote in his *Short Treatise of Politic Power* that societal authority inheres in the community itself, which may establish any kind of government it wishes. Natural law, furthermore, dictates that bad kings may be deposed or even executed. Shortly afterward there appeared at Geneva utterly subversive works by Christopher Goodman and John Knox that likewise justified rebellion against ungodly sovereigns. There is little doubt that such men would have liked to see Mary eliminated by any means available.<sup>50</sup>

The Marian exiles in fact gave impetus to the development of *large-scale* opposition politics, a phenomenon hitherto practically unknown in England. Until this time, organized opposition to the government had usually been limited to sections of the baronage, with the conflicts resembling family feuds more than modern mass politics. Michael Walzer, in his insightful *The Revolution of the Saints*, points out that the committed non-noble political radical had hardly existed in medieval Europe. "Medieval society was . . . a society largely composed of *nonparticipants*, inactive men . . . [in which] bonds of personal loyalty, kinship, and neighborhood," along with blind custom, completely replaced the impersonal interests and ideals of classical, i.e. Greek and Roman, politics. Under the semi-divine kingship promoted by Christianity, politics degenerated into "a distant realm of magic and mystery," and the uninitiated—that is, all but a handful of exalted men—naturally responded with civic apathy.<sup>51</sup>

In the midst of this politically primitive world there appeared, having evolved from Wyclif, the Lollards, and the Henrician heretics, the mid-sixteenth-century "saints."<sup>52</sup> These were men who were deeply dissatisfied with their society and intended to change it. It is not often recognized just how original the saints/Puritans were for their time; the later Levellers receive much more credit. Walzer puts into perspective the emergence of the former from the intellectual stupor of the feudal dispensation. Informed by Calvinist thought, they turned against the three forms of relationship that, ideologically speaking, cemented traditional society: (1) a cosmic hierarchy embodied in the chain of being, (2) organic connection, and (3) familial relations.<sup>53</sup>

The chain of being symbolizes the conception of a harmonious, ordered universe, with each societal element permanently set in its proper place, "adjusted perfectly to its intellectual and moral capacities."<sup>54</sup> At the head of the

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<sup>50</sup> Dickens, 287.

<sup>51</sup> Michael Walzer, *The Revolution of the Saints: A Study in the Origins of Radical Politics* (Cambridge, Mass.: Harvard University Press, 1965), 4-6.

<sup>52</sup> Soon to be known as Puritans, a term that does not come into existence until Elizabeth's reign but that Walzer uses interchangeably with exiles, Calvinists, and Protestants. In the discussion that follows I will be similarly careless about the chronological details as opposed to the thematic concepts involved.

<sup>53</sup> Walzer, 149.

<sup>54</sup> Walzer, 154.

chain on earth is the king, who in some ill-defined way is a superior human being. "None may, nor can[,] search into the high discourse and deep counsels of kings," wrote Roger Maynward, "seeing their hearts are so deep, by reason of their distance from common men, even as the heavens are in respect of the earth."<sup>55</sup> Strictly speaking, neither sovereignty nor the conscious exercise of power are necessary in society according to the chain of being doctrine, for men occupying different stations in a well-ordered society are bound together by pacific, entirely uncontentious relations of authority and reverence.<sup>56</sup> Each human link in the chain knows and placidly accepts its own place as well as those of others above and below it. Anglican writers did not see variety among men as inevitably leading to clashes of interests and wills that would necessarily require forceful intervention to regulate.

Calvinists, however, could not fathom any such automatic social harmony and peace. They did not expect it from fallen man. "[T]hat there should be order amongst such multitudes of persons, is more than miracle," wrote one Puritan preacher, "there are so many millions of men in a nation, all of various opinions and affections . . . generally disobedient, deceived, serving divers lusts and pleasures . . . they are like the waters gathered in the seas, an unquiet and restless element." Society certainly needs order, but it would only come about, the Puritans felt, through the struggle of the saints against the manifest evil existing in the present corrupt world.<sup>57</sup> Such an imposed order would be, says Walzer, "artificial and purposive," not "natural and inevitable."<sup>58</sup>

The related idea of the state as a living organism was also prevalent in medieval thought. Again, natural harmony is emphasized: all the members of society *automatically* work for the common good. The head of the organism, representing the king, has special talents, but its role is one of uncontroversial direction, not odious domination. The crucial point of the bodily analogy is that just as each organ and limb of a living organism has a fixed function, so does each member of the body politic have a set role. There is no possibility of independent activity by any member; indeed, for a lowly person anomalously and perversely to seek out political knowledge for himself or herself, much less to act upon it, is ipso facto rebellion—the upsetting of the natural order. Personal ambition and intellectual doubt are the cause of the greatest of sins: disorder. In this way of thinking, explains Walzer, "Innovation of any sort was the greatest possible danger to the delicate health of the political body. . . . [G]rowth . . . might be allowed [but only growth] so gradual as to be hardly noticeable . . . [and] ratified by the wisdom of the ages."<sup>59</sup>

For the body as the ideal model of the state the Puritans substituted the ship. While other parts of the body of course cannot make war on the head, sailors on a ship might well take it upon themselves to overthrow a deranged or merely incompetent captain and guide the ship themselves. A ship, moreover, is a planned and humanly constructed thing. Analogously, Puritans thought in terms of building (or rebuilding) society on truly Christian foundations. Unlike

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<sup>55</sup> Walzer, 157.

<sup>56</sup> Walzer, 159.

<sup>57</sup> Walzer, 160.

<sup>58</sup> Walzer, 170.

<sup>59</sup> Walzer, 175.



the organic construct, the ship analogy suggests that the members of society can have purposive goals beyond the unthinking preservation of a static body politic.<sup>60</sup>

The third traditional notion buttressing the medieval status quo was that of society as a family and the king as its benevolent father. In such a conception the subject is "made to share the sweet incapacity and trustfulness of the child."<sup>61</sup> If society is a vast, loving patriarchy, then the relationship of subject to ruler is not one of demeaning subjection to arbitrary will but rather one of sensible submission to kindly paternal wisdom.

Puritan ministers, however, insisted that all authority and tradition should be tested by the Word of God. Ideals and values must be considered and agreed to, not received passively from on high or inherited from ancestors. "The natural connection," says Walzer, "was thus made subject to human will."<sup>62</sup> The purposive activity of the saints was by its very nature incompatible with the notions of subjects as children, the state as an extended family, and the king as father writ large. The Puritans were impelled to replace these ingrained, submission-promoting ideas about society with new ones based on the principle that men could and should govern their own lives. In general the Puritans felt that tradition was no sound guide to true knowledge. As Knox icily observed of the unredeemed men he observed around him: "And thus into idolatry the corrupt children follow the footsteps of their forefathers."<sup>63</sup> In the view of such men as Knox, long use of a practice does not bestow upon it eternal sanctity. Likewise, rulers are not to be respected simply because they have been in their positions time out of mind. Kings and magistrates, just like private men, must be examined and judged—and if necessary punished—on the basis of the law of God. The Puritan revolutionary felt that he, though a person of modest social status, was capable of perceiving this higher law and therefore competent, with knowledge of it, to confront the powers that be.<sup>64</sup>

Armed with "the power of celestial truth," the enlightened man should not acquiesce in, but rather challenge, the status quo, even if this means opposing bishops and kings.<sup>65</sup> Christopher Goodman admitted that for the people to "take unto them the punishment of transgression" by their governors would "appear at first sight a great disorder," but, he explained, "when the magistrates and other officers cease to do their duty, [the people] are as it were without officers . . . and then God giveth the sword into the people's hand and he himself is become immediately their head." Needless to say, "the people" who would revamp the social order by wielding this cosmic sword would not be the masses but rather a revolutionary elect to whom, as Knox puts it, "God granteth knowledge."<sup>66</sup> But clearly these saints would not need to be of royal or noble blood.

Calvinism was indeed a remarkable creed. Unlike the conformist multitude, its adherents did not bank on merely getting into heaven; they sought,

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<sup>60</sup> Walzer, 179.

<sup>61</sup> Walzer, 183.

<sup>62</sup> Walzer, 187.

<sup>63</sup> Walzer, 101.

<sup>64</sup> Walzer, 107.

<sup>65</sup> Walzer, 63.

<sup>66</sup> Walzer, 108.

rather, an earthly transformation, thus breaking dramatically with conventional medieval religion. Unlike the latter, Calvinism was "anchored in this worldly endeavor"; it encouraged the concrete struggle for a new human community.<sup>67</sup> The saints, notes Walzer, "did not withdraw to some private ecstasy." "It is certainly the duty of a Christian man," wrote Calvin, "to ascend higher than merely to seek and secure the salvation of his own soul." Instead, he was to "show forth the glory of God" on earth. The saint's goal was the creation of the holy commonwealth.<sup>68</sup>

Calvin and his followers did not doubt that there was wickedness in the world, broadly in the form of the omnipresent devil, specifically in such phenomena as the enclosing and rack-renting engaged in by landlords, the monopolistic scheming of the new capitalists, the selfish ostentation of the nouveau riche, the filth and petty crime of the unregenerate London underworld, and the depraved elegance of the royal court.<sup>69</sup> Because of the ubiquity of this evil the life of the saint was inevitably a perpetual struggle that would very likely involve violence and warfare.<sup>70</sup> "Whoever is a professed Christian," declared a Puritan preacher, "is a professed soldier; or if no soldier, no Christian." "The condition of the child of God," echoed Thomas Taylor, "is military in this life."<sup>71</sup> Peace is certainly desirable, wrote Alexander Leighton, but "we must understand with whom we live in this world, with men of strife, men of blood, having dragon's hearts, serpent's heads"; it therefore behooves the saints to "work [peacefully] with one hand and with the other hold the sword."<sup>72</sup>

This [says Walzer] was the effect of [Puritan militancy]: it made revolution available to the minds of seventeenth-century Englishmen as it had never been before. It trained them to think of the struggle with Satan and his allies as . . . a difficult and continuous war, requiring methodical, organized activity, military exercise, and discipline. . . . [M]oral confusion and social strain were turned into systematic enmity and this, in a sense, was the "secret history" of the English Revolution. . . . England was not unprepared for the New Model [Army] . . . men may even have been waiting—for so many years the ministers had been calling them to their tents.<sup>73</sup>

The Puritan militant, waiting with "tense readiness," must be ready to strike, for the moment of truth would soon be at hand. The political turmoil of Charles' reign, Thomas Goodwin told the Commons in 1642, was "an opportunity such as the last hundred years . . . have not afforded the like." "Purge and reform the Temple," he insisted, "though you die for it." "I am

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<sup>67</sup> Walzer, 28.

<sup>68</sup> Walzer, 54.

<sup>69</sup> Walzer, 204.

<sup>70</sup> Walzer, 64.

<sup>71</sup> Walzer, 278.

<sup>72</sup> Walzer, 285.

<sup>73</sup> Walzer, 290.

confident," John Arrowsmith similarly admonished, "that you never dreamt of reforming a church and state with ease."<sup>74</sup>

Unlike some of the contemporary utopian sects (or modern anarchists), Calvinists had no aversion to the state per se, for in their view the manifest wickedness of men meant that there was an "eternal need for control and restraint," of which the state was unquestionably the proper agent.<sup>75</sup> If men were all innately innocent and good there would be no need for a state, a regulated Church, or any other societal authority. Calvinists understood that man is a willful and domineering creature. Hence the need for a coercive societal power. Calvinists thus accepted the state, but they did not believe that those who occupied its offices either were or should be divinely ordained beings superior to themselves. "Calvin's recognition of [cold, impersonal] authority," says Walzer, "was also the end of political mystery. The state was [simply] a matter of force and organization. It was useful and necessary [not providential]."<sup>76</sup> Crucially, Calvin felt that Christians should be the subjects no less than the objects of social control. The coercive Christian commonwealth would be "founded upon the consent of conscientious men."<sup>77</sup> Since existing forms of government, in state and Church, had no basis in the consent of the governed, the saints were obliged to seek out or develop new ones. And this is what they did, very productively, in the course of their continental sojourn.

The majority of the Marian exiles established self-governing religious communities in the reformed cities of southern Germany and Switzerland—"the centers of Protestant intellectual life"—where they freely engaged in political and theological controversy beyond the reach of the English authorities.<sup>78</sup> To the exiles these communities were almost nirvanas compared to their home state. They were ruled by ministers and laymen (the latter being mostly uprooted teachers, students, and young gentlemen), whose authority was founded not on lineage or status—at least not to the degree that was usual in that age—but rather on organizational talent (e.g. in the building of independent churches) and intellectual prowess (e.g. in the exposition of Scripture). The exiles' new associations, whether on the Continent or back home when they finally returned, reflected their new social and intellectual grounding. They were based not on the organic precepts of kindred relation, social connection, or personal loyalty but on shared ideological commitment. Through these impersonal associations the returned exiles utilized the methods of modern politics: free assembly, mass petitioning, group pressure focused on Parliament, and the appeal to public opinion. "All this was illegal or at best semilegal in Elizabethan England," Walzer explains. "[P]olitical experimentation required then, as it often has since, a willful disdain for lawful procedures."<sup>79</sup> "The movement was, in effect, a substitute establishment."<sup>80</sup> One of the most important developments connected to the new opposition movement was that it was embraced by a

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<sup>74</sup> Walzer, 294.

<sup>75</sup> Walzer, 30.

<sup>76</sup> Walzer, 45.

<sup>77</sup> Walzer, 47.

<sup>78</sup> Walzer, 117.

<sup>79</sup> Walzer, 125.

<sup>80</sup> Walzer, 128.

significant number of gentlemen and merchants such as John Pym and Oliver Cromwell. These energetic, ambitious, and substantial men possessed not only the confidence but also the means to challenge the old order.<sup>81</sup>

(Walzer, like most serious historians of the English Reformation, discounts the notion first adumbrated by Max Weber that Calvinist Protestantism was somehow the engine of early capitalism. All that needs to be said here concerning this thesis is that it is ahistorical and unsubstantiated and reflects a poor understanding of what the early Protestant reformers were essentially about.)<sup>82</sup>

### The Puritan psyche

John Bunyan (1628-88) was a Puritan preacher active in the Restoration period, during which time he was persecuted by Charles II's government. Bunyan's adult life thus postdates the formative stage of the Puritan party now under discussion. Yet his travails as a leading Protestant were probably not very different from those of earlier evangelicals. Moreover, his exceptional writings provide a unique window into the radical Protestant's soul. Hence a brief consideration of Bunyan and of Monica Furlong's study of him, *Puritan's Progress*, is very helpful to an understanding of the Puritan experience as a whole.

The very beginning of Bunyan's allegorical *Pilgrim's Progress* powerfully conveys the intense anxiety felt by many sixteenth- and seventeenth-century Puritans upon encountering the Bible, taking the message of the Gospels—salvation through Christ—seriously, and embarking on a spiritual journey.

I dreamed, and behold, I saw a man clothed with rags standing in a certain place, with his face from his house, a book in his hand, and a great burden upon his back. I looked, and saw him open the book, and read therein; and as he read, he wept and trembled; and not being able longer to contain, he brake out with a lamentable cry, saying, "What shall I do?"

In this plight, therefore, he went home. . . . [A]t length he brake his mind to his wife and children. . . . [I am, he told them,] "undone by reason of a burden that lieth hard upon me; moreover, I am certainly informed that this our city will be burnt with fire from heaven . . . except . . . some way of escape can be found whereby we may be delivered." [But his family did not understand him and they became exasperated.] Wherefore he began to retire himself to his chamber to . . . condole his own misery; he would also walk solitarily in the fields, sometimes reading, and sometimes praying; and thus for some days he spent his time.

Now I saw, upon a time, when he was walking in the fields, that he was (as he was wont) reading in his book, and greatly distressed in his mind; and as he read, he burst out, as he had done before, crying, "What shall I do to be saved?" [Then, in this state of confusion and despair, a

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<sup>81</sup> Walzer, 126.

<sup>82</sup> Walzer, 304; Hylson-Smith, 3:195-7; Dickens 316, 335; Knappen, 422; Christopher Hill, *Puritanism and Revolution* (New York: Schocken Books, 1967), 29-30.

man named Evangelist came and asked him] "Wherefore dost thou cry?" He answered, "Sir, I perceive, by the book in my hand, that I am condemned to die, and after that to come to judgment." . . . Then said Evangelist, "If this be thy condition, why standest thou still?" He answered, "Because I know not whither to go." Then [Evangelist] gave him a parchment roll, and there was written within, "Fly from the wrath to come." . . . [And Evangelist pointed the way.]

So I saw in my dream that the man began to run. Now he had not run far from his own door when his wife and children, perceiving it, began to cry after him to return; but the man put his fingers in his ears and ran on, crying, "Life! life! eternal life!" So he looked not behind him, but fled towards the middle of the plain.<sup>83</sup>

Having finally gained fairly easy access to *the* book on which the religion of the age was based and from which most popular knowledge was derived, common people delved into it deeply and became passionately interested in theological issues. Furlong points out that the Bible was for Bunyan and many of his fellows the world of books, plays, poetry, and learning all rolled into one work.<sup>84</sup> As with so many of his contemporaries, to a degree that is unimaginable today with our plethora of books and other communications media, "Bunyan's authority for all his ideas was Scripture. . . . [It was his] whole education, library and cultural environment."<sup>85</sup>

Serious study of the Bible gave rise to an extraordinary degree of introspection among the godly. They were, as we would say today, "trying to figure things out." Of course many people throughout history have pondered what the purpose of life is. The unusual thing about the Reformation period is that all at once common folk felt that they had the perfect study material at hand, as if just then unearthed and handed over to them like a lost treasure. Puritans felt certain that through the sedulous examination of Scripture—*God's Word!*—they would find answers to life's most pressing questions. And they were indeed searching for answers. Puritans, says Furlong, harbored an intense suspicion of "natural man"—i.e. unreflecting man—since they saw that, left to live his life in his usual instinctual way, man inevitably makes a mess of society.

Whatever his weaknesses . . . [Christian, Bunyan's protagonist,] is a man armed with one important piece of knowledge; life as he used to live it is no longer tolerable, and the only remedy is to persevere in his difficult journey. . . . The real [temptation] of the journeying Christian, in Bunyan's eyes, [is] that of conforming to "this world," losing one's integrity by trying to please others. . . . The man who conformed to this world enjoyed its honours and its rewards, but lost his soul.<sup>86</sup>

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<sup>83</sup> John Bunyan, *The Pilgrim's Progress* (New York: American Tract Society), 133.

<sup>84</sup> Monica Furlong, *Puritan's Progress: A Study of John Bunyan* (London: Hodder and Stoughton, 1975), 31.

<sup>85</sup> Furlong, 147.

<sup>86</sup> Furlong, 106-7.

Furlong, in her incisive psycho-analytic analysis, examines the mostly unjustified stereotype of the Puritan as a dour killjoy and acknowledges that there is an element of truth in it. The Puritan is serious for good reason.

Pleasure he regards as a sort of confusing tactic, designed to blind him to the reality of existence. What is that reality as he sees it? It is that man lives in a very, very harsh world in which he needs all his wits about him. Like the soldier on the battle-field he cannot afford intoxication, since survival may depend upon being totally in control of himself. It is this conviction that he is, all the time, in a desperate situation, that dictates so many of the Puritan's attitudes. He must watch himself constantly so that he does not sink into the torpor which spells death. He must be alert all the time, asking himself questions about what he is doing and why. He must be truthful with himself, forbidding himself comfortable illusions which may lull him into a false sense of security. . . . Something, he felt, was wrong, both with himself and with all his own kind.<sup>87</sup>

In short, life is not, or at least not wholly, "pleasant, easy, comfortable, amusing, or trivial."<sup>88</sup> Puritans understood that progress "is dependent upon an increase in consciousness" and self-control. This may result in a loss of spontaneity or child-like charm—attractive qualities in themselves—but Puritanism, and Protestantism in general, "may have arisen from the discovery that spontaneity no longer wholly worked for mankind. . . . In fact the Reformation may be seen as a kind of adolescence in the history of Europe, the point where men are no longer content to speak as [children], or think as [children], but are trying to put away childish things."<sup>89</sup>

## ELIZABETH

### The Elizabethan Settlement

Upon Elizabeth's accession to the throne in 1558 (she reigned until 1603), she was greeted by the Protestants as a heroine. They expected her to be a champion of the reform movement or at the very least to be personally committed to the Protestant cause.<sup>90</sup> In passing the Act of Supremacy, Elizabeth's first Parliament of 1559 made the Protestant queen the supreme authority over the national Church and thereby overturned Mary's Catholic regime and its self-subordination to Rome. And yet the new monarch immediately came into conflict with Protestant leaders and Protestant opinion. Such was the uncertainty about the queen's allegiance to the reformed religion—it was noted with incredulity that she kept a crucifix and candles in her private chapel—that in 1567 the Earl of Sussex, newly appointed ambassador to the Holy Roman Empire, admitted that "he was at a loss to state what was the

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<sup>87</sup> Furlong, 204.

<sup>88</sup> Furlong, 206.

<sup>89</sup> Furlong, 212.

<sup>90</sup> Christopher Haigh, *Elizabeth I* (London: Longman, 1988), 28.

religion that really was observed here [in England]." In 1571 it was reported to the Commons that the queen "is of another religion than is published."<sup>91</sup>

As the new religious dispensation was being hammered out, a government committee recommended a modest measure of reform that would have advanced Protestantism beyond the level attained by the second Edwardian prayer book of 1552. The queen, however, rejected the committee's suggestions, and the prayer book finally enacted by the 1559 Act of Uniformity was actually a regression from that of 1552, with features harking back to the first Edwardian book of 1549, whose service the ultra-conservative Bishop Gardiner had described approvingly as being close to Catholicism.<sup>92</sup> Kneeling at the sacrament was required in the new book and the wording was such that the doctrine of the real presence could be read into it. The members of the clergy could not marry without their bishop's consent and they were required to wear the old costume (surplice, alb, cope, chasuble, stole).

Protestant ministers (the most uncompromising of which were from this time on called "Puritans," derived from "purity") were loathe to put on what they called "that comical dress," those "rags of Rome" that, as Patrick Collinson puts it, "identified them with the popish priesthood rather than with the ministry of the best reformed churches overseas."<sup>93</sup> In other words, Protestant ministers did not want to look like Catholic priests and thereby seem to consent to their "blasphemies."<sup>94</sup> Conversely, to refrain from wearing the old attire was visibly to align oneself with advanced continental Protestantism. Several Puritan writers pointed out that ministers were role models who led by example. "God's people," said one, "will believe our doings [rather] than our sayings. If we say all marks of idolatry are to be abhorred, many seeing us use them ourselves will think there is no great danger in using them nor truth in our words, whatsoever we say of them. It is the best persuasion if the tongue and the coat talk and teach the same thing."<sup>95</sup> Theologically, the special vestments strongly suggested the Catholic doctrine of a separate priestly caste, to which the novel Protestant notion of the priesthood of all believers was directly opposed.

Aside from these specific, objectionable features of the new prayer book, the Puritans complained of its inordinate length and complexity. The great number of (to them) vacuous rituals and mind-numbing ceremonies left little time for the part of the service they valued most, if not exclusively—the sermon. Indeed, the failing for which the Puritans reproached the Elizabethan regime most strenuously and consistently was that it did not do enough to promote the "learned preaching ministry" that they felt was sorely lacking and desperately needed, and which they believed was the basis of true reformation. Little could they have imagined that as the years went by Elizabeth would actively oppose and successfully thwart this overriding goal of theirs.

John Spurr paints a homely picture illustrating the overwhelming importance of preaching to Puritans:

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<sup>91</sup> Haigh, 33.

<sup>92</sup> Patrick Collinson, *The Elizabethan Puritan Movement* (Oxford: Clarendon Press, 1990), 32; Hylson-Smith, 3:246.

<sup>93</sup> Collinson, 34.

<sup>94</sup> Knappen, 191.

<sup>95</sup> Knappen, 204.

Every Sunday the godly went to church to hear a godly minister [preach]. . . . While he preached the godly marked his text, observed how he [the minister] "divided" it and what scripture passages he adduced as proof: some would follow the texts in their bible[s], others . . . would take notes. . . . The family would discuss the sermon over dinner at home, or if time was short or the distance was too great, they would remain in the church, praying, singing psalms and debating, until it was time for the afternoon sermon. . . . The whole day was sacrosanct to puritans: they spent it shut up with their private devotions, their catechisms, their family bible-reading, and their sermon notes: sometimes they ventured to each other's houses or to their minister's to join "in repeating of the substance and heads of the sermons that day made in the church."<sup>96</sup>

Christopher Hill sees the Puritans' emphasis on preaching as an attempt "to elevate teaching, discussion, the rational element in religion generally, against the sacramental and ceremonial aspects."<sup>97</sup>

Despite the chorus of resistance to the new prayer book, Elizabeth insisted on strict compliance with it, offensive garments and all, and by 1566 dozens of defiant ministers had been suspended or deprived for nonconformity. Thus the queen from the start showed herself to be much farther to the right in religion than most of her non-Catholic clergy, which at the beginning of her reign included numerous former Marian exiles. The more advanced reformers, just returned from the Continent where the glorious Reformation was marching forward, or just come out of the underground having survived Mary's persecution, were aghast.<sup>98</sup> Not only were Elizabeth's own religious views those of the past, but she would not allow any further reform to be pursued by anyone. She would not permit Parliament to discuss it, much less legislate upon it.<sup>99</sup> She was, as M. M. Knappen aptly describes, "a huge boulder in the path of Puritanism, unavoidable, insurmountable, immovable."<sup>100</sup>

One of the most constitutionally significant features of this brake on the English Reformation is that for many years it was essentially applied by the queen alone. The most vociferous reformers were a small group—in Elizabeth's first Commons they included about a dozen and a half returned exiles—but they had broad support in Parliament and even in the queen's Privy Council.<sup>101</sup> It was only after some time had passed that the queen was able to build up a sizable anti-reform party around her. And yet she succeeded in stymieing the reform movement throughout her long reign. Such was the enduring prestige and personal power of the English monarch that for all Elizabeth's obstructionism most Protestants always considered her their "Deborah" (an Old Testament

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<sup>96</sup> John Spurr, *English Puritanism, 1603-1689* (New York: St. Martin's Press, 1998), 36.

<sup>97</sup> Christopher Hill, *Society and Puritanism in Pre-Revolutionary England* (New York: Schocken Books, 1967), 55.

<sup>98</sup> Knappen, 171.

<sup>99</sup> Carole Levin, *The Reign of Elizabeth I* (New York: Palgrave, 2002), 30; Spurr, 9.

<sup>100</sup> Knappen, 168.

<sup>101</sup> J. E. Neale, *Elizabeth I and Her Parliaments, 1559-1581* (New York: St. Martin's Press, 1958), 57-8; Collinson, 31.



leader of the Israelites), while she, through a combination of (partly sexual) charm and political guile, kept her subjects "in a kind of bondage."<sup>102</sup>

#### Parliamentary freedom of speech

By the late sixteenth century general legislation and taxation had become well-established functions of Parliament, but that body met only occasionally. Daily governance and the formulation of policy—i.e. "matters of state," which in this era included religious policy—were the purview of the Crown.<sup>103</sup> Yet the political class outside the Court continued, as always, to reach for the levers of power. And a sine qua non of its empowerment was freedom of speech in the sessions of Parliament.

The formal privilege of freedom of speech was first asserted in 1523 by Thomas More. But at that time More meant by it only that members should be free to oppose any of the various bills making up the legislative agenda that the Crown put before the House through royal councillors who were also MPs. The voicing of qualms by members about government bills did not entail a freedom on their part to discuss issues that had not been put before them by the Crown. In other words, Parliament's right to freedom of speech did not originally encompass a right by that body to initiate policy by introducing bills of its own. The Commons had never been considered free to set the governmental agenda.<sup>104</sup>

By Elizabeth's time, however, members of the opposition party had come to read much more into the notion of freedom of speech than heretofore, namely the right to discuss in Parliament whatever they deemed fit for their consideration—whatever, as Elizabeth caustically put it, might occur "to their idle brains."<sup>105</sup> And the Puritans certainly had a lot on their minds, namely a comprehensive program of religious reform far beyond anything envisaged by the queen, for whom the 1559 settlement was quite Protestant enough. In order to see their cherished program succeed, therefore, the reformers would need to frame the parliamentary agenda proactively. This was revolutionary, since the English form of government was still formally and without question one of personal monarchy.<sup>106</sup> In 1566 Elizabeth bluntly told the Commons: "I am your anointed queen; I will never be by violence constrained to do anything."<sup>107</sup> Her use of the word "violence" was merely a figure of speech, for the members never threatened anything remotely like actual violence against her. But she made her point perfectly clear. She had only to send them a curt message through the Speaker to stop their machinations in their tracks. In a word, Elizabeth was the ruler of England—period.

Early in the 1571 Parliament a Puritan member named Strickland, who like many of his coreligionists was deeply dissatisfied with the current state of the

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<sup>102</sup> Antonia Fraser, *King James VI of Scotland, I of England* (New York: Knopf, 1975), 131.

<sup>103</sup> Neale, *Elizabeth I, 1559-1581*, 15.

<sup>104</sup> Neale, *Elizabeth I, 1559-1581*, 17.

<sup>105</sup> Neale, *Elizabeth I, 1559-1581*, 19.

<sup>106</sup> Neale, *Elizabeth I, 1559-1581*, 28.

<sup>107</sup> Haigh, 119.

Church and ardently desired further reformation, introduced a bill to revise the prayer book. "After so many years," he said, "as now by God's providence we have been learning the purity of God's truth, we should not permit . . . any errors in matters of doctrine to continue amongst us. . . . [T]here are some things inserted [in the prayer book] more superstitious or erroneous than in so high matters be tolerable."<sup>108</sup> His bill called for doing away with such features of the old religion, considered superfluous or idolatrous by Protestants, as the traditional vestments, bowing at the name of Jesus, the confirmation of children, the interrogation of babies and the making of the sign of the cross at baptism, the giving of the ring in marriage, and kneeling at Communion. The queen's senior councillor in the House, Sir Francis Knollys, objected that only Elizabeth was empowered to deal with such issues. Moreover, he said, what "secret cause or scruple there may be in the hearts of princes, it is not for all people to know."<sup>109</sup>

The parliamentary diarist records that another member, one named Pystor, rose to Strickland's defence:

The matter of his grief was that matters of importance [concerning] our souls, stretching higher and further to every one of us than the monarchy of the whole world, were either not treated of, or so slenderly that now after more than ten days continual consultation nothing was thereon concluded. The cause he showed to be God's, the rest are all but terrene [terrestrial], yea, trifles in comparison, call you them never so great or pretend you that they import never so much. Subsidies, crowns, kingdoms, he knew not, he said, what they were in comparison of this. This, he said, I know, whereof he most thanked God, *Seek ye first the Kingdom of God and all these other things shall be added unto you.*<sup>110</sup>

Nonetheless Strickland was put out of the House for his insubordination, whereupon his fellow member Christopher Yelverton declared it treason "to say the Parliament hath no power to determine of [i.e. limit] the Crown. . . . He shewed it was fit for princes to have their prerogatives, but yet the same to be straightened within reasonable limits. The prince, he shewed, could not of herself make laws. Neither might she by the same reason break laws."<sup>111</sup> Strickland was soon restored to his place in the House, but the proposed bill was abandoned.

In this 1571 session we see played out the main features of the conflict between the Puritans and the monarch that were to be tiresomely (but illuminatingly) repeated not only through the rest of Elizabeth's reign but also into James'. The Puritans desired religious and ecclesiastical reform literally more than anything else on earth. They worked through Parliament to try to effect their anti-establishment aims, which was a challenge to the monarch's sovereignty since both Elizabeth and James were hostile to their measures. Finally the monarch, tiring of the Puritans' presumption, shut off the debate and quashed their legislative initiative by claiming monarchical prerogative.

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<sup>108</sup> Neale, *Elizabeth I, 1559-1581*, 194.

<sup>109</sup> Neale, *Elizabeth I, 1559-1581*, 198.

<sup>110</sup> Knappen, 228; Neale, *Elizabeth I, 1559-1581*, 199.

<sup>111</sup> Knappen, 229.

A second attempt was made in the next year's Parliament to deal with the repugnant prayer book. The proposed bill asserted that it contained "divers orders of rites, ceremonies, and observations" that in 1559 had been "permitted in respect of the great weakness of the people, then blinded by superstition." But now there was "a great number of learned pastors and zealous ministers" who knew better and who had introduced "godly exercises for the better instruction and edifying of their congregations . . . [that] omitted the precise rule and strait observation of the form and order prescribed in that book." "Malicious adversaries of the truth," however, had taken it upon themselves to prosecute these enlightened ministers for their salutary deviations from the official prayer book service. The bill therefore proposed that Protestant ministers be allowed to omit those parts of the service they found objectionable, or, alternatively, to use instead the Calvinist service employed by continental Protestants. In other words, the bill proposed legalizing Puritan nonconformity.<sup>112</sup> Even a later, moderated version of this bill was too much for the queen. She squelched it and commanded the House to stop introducing non-government bills concerning religion.<sup>113</sup>

On the first day of the 1576 Parliament, with the Crown's brusque rebuffs to the Puritan program in the last few Parliaments on his mind, Peter Wentworth rose to claim for the House, and to defend, liberty of speech. The famed speech is so remarkable and so effectively conveys both the substance and the tone of the dispute that it is worth quoting at some length.

[A]ll matters that concern God's honour through free speech shall be propagated here and set forward, and all things that do hinder it removed, repulsed, and taken away. . . . [I]f the envious do offer anything hurtful . . . what incommodity doth grow thereby? Verily, I think none . . . for by the darkness of the night the brightness of the sun sheweth more excellent and clear; and how can the truth appear and conquer until falsehood and all subtleties that should shadow and darken it be found out? . . . I conclude that in this House, which is termed a place of free speech, there is nothing so necessary for the preservation of the Prince and State as free speech, and without it it is a scorn and mockery to call it a Parliament House, for in truth it is none, but a very school of flattery and dissimulation, and so a fit place to serve the Devil and his angels in and not to glorify God and benefit the Commonwealth. . . .

Mr. Speaker, two things do very great hurt in this place, of the which I do mean to speak. The one is a rumour that runneth about the House, and this it is: "Take heed what you do. The Queen's Majesty liketh not of such a matter: whosoever preferreth it, she will be much offended with him." Or the contrary: "Her Majesty liketh of such a matter: whosoever speaketh against it, she will be much offended with him." The other is: sometimes a message is brought into the House, either of commanding or inhibiting, very injurious unto the freedom of speech and consultation. I would to

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<sup>112</sup> Neale, *Elizabeth I, 1559-1581*, 298.

<sup>113</sup> Neale, *Elizabeth I, 1559-1581*, 302.

God, Mr. Speaker, that these two were buried in Hell: I mean rumours and messages. For wicked undoubtedly they are. . . .

There was a message, Mr. Speaker, brought the last session into the House, that we should not deal in any matter of religion, but first to receive it from the bishops. Surely, this was a doleful message, for it was as much to say as, "Sirs, ye shall not deal in God's causes: no, ye shall in no wise seek to advance His glory." . . . There were divers of this House that said with grievous hearts, immediately upon the message, that . . . God was the last session shut out of the doors. . . .

Certain it is, Mr. Speaker, that none is without fault: no, not our noble Queen. Since, then, her Majesty hath committed great faults—yea, dangerous faults to herself and the State—love . . . will not suffer me to hide them to her Majesty's peril, but to utter them to her Majesty's safety. And these they are. It is a dangerous thing in a Prince unkindly to intreat and abuse his or her nobility and people, as her Majesty did the last Parliament. And it is a dangerous thing in a Prince to oppose or bend herself against her nobility and people. . . .

I have heard of old Parliament men that the banishment of the Pope and Popery and the restoring of true religion [i.e. the Henrician reformation] had their beginning from this House, and not from the bishops; and I have heard that few laws for religion had their foundation from them. . . . It is a great and special part of our duty and office, Mr. Speaker, to maintain freedom of consultation and speech. . . . I desire you from the bottom of your hearts to hate [all things] that any manner of way infringe the liberties of this honourable Council. . . . We are incorporated into this place to serve God and all England, and not to be time-servers and humour-feeders. . . . Let us show ourselves to be a people endued with faith: I mean, with a lively faith that bringeth forth good works.<sup>114</sup>

Wentworth's speech so alarmed the queen's men in the Commons that they stopped him before he finished it, took him out of the House, and imprisoned him in the Tower.<sup>115</sup> He was released after a month, but as usual the queen won the contest: nothing was done in this Parliament to further religious reform.

#### The Puritan Presbyterian movement

As the standoff between the radical Protestants on the one hand and the Crown and the established Church on the other continued without letup, the more extreme Puritans increasingly turned from criticizing particular religious practices and Church policies to promoting an alternative to episcopacy (i.e. hierarchical, bishop-led church government) itself. The Puritans were familiar with the congregational model as a potential replacement, having seen it for themselves on the Continent and in the Protestant churches of European refugees in London.<sup>116</sup> At the local level the system consisted of elected elders

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<sup>114</sup> Neale, *Elizabeth I, 1559-1581*, 319, 322-324.

<sup>115</sup> Neale, *Elizabeth I, 1559-1581*, 325.

<sup>116</sup> Collinson, 113.

(for discipline), deacons (for relief of the poor) and coequal ministers (for preaching and the sacraments).<sup>117</sup> Above the councils of individual churches were regional and national representative bodies called classes and synods.

The organization of the foreign Reformed Church in London involved, as Knappen describes it,

a nice combination of clerical leadership and lay responsibility, all designed to produce a people at the same time intelligent and disciplined, a community united in the service of a common principle. In this scheme the clergy retained most of the powers they had enjoyed in the Catholic church. They could control elections, decide on excommunications, and determine the attitude of the church courts as before. But little of this power was due to any assumption of special status or to a claim of sacrosanct character for their order. Rather it depended on the respect they commanded for their learning and devotion and on their pulpit influence. The members of their congregations were made to feel that the laity were an essential part of the church. Provision was made for carefully instructing and effectively disciplining the rank and file, so that they might be fit to share in the direction of their organization. They were allowed a voice in the selection of church officers, and these officials [shared] in the performance of the ministers' functions. . . It was this attention given to the layman, and the responsibility put upon him, that made the Reformed churches such efficient instruments for the inculcation of religious attitudes.<sup>118</sup>

By contrast Theodore Beza, Calvin's successor at Geneva, deemed the arbitrary powers of the English bishops "abominable," "extravagant," and utterly unwarranted by New Testament Scripture.

Although already known to many English radicals, Presbyterianism such as that described above was first formally expounded by Thomas Cartwright in 1570 at Cambridge. Cartwright based his lectures on what he found to be the simple and relatively egalitarian structure of the early Christian Church as related in the biblical Acts of the Apostles. His critique of the current Church was so subversive that the authorities dismissed him and he had to flee to the Continent.

In 1572 John Field and Thomas Wilcox similarly argued against the existing form of Church government, and for congregationalism, in their *Admonition to Parliament*. The bishops are there described as "antichristian and devilish," and the prayer book as "an unperfect book, culled and picked out of that Popish dunghill, the Mass book, full of all abominations."<sup>119</sup> After detailing a great many shortcomings and abuses on the part of the clergy and the Church, the authors aver that unless these are removed and "the truth"—i.e. a Church such as that described in the New Testament—is brought in, "God's church in

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<sup>117</sup> Peter Marshall, 121.

<sup>118</sup> Knappen, 92.

<sup>119</sup> Peter Marshall, 121; W. H. Frere and C. E. Douglas, eds., *Puritan Manifestoes: A Study of the Origin of the Puritan Revolt* (London: Society for Promoting Christian Knowledge, 1907), 21.

this realm shall never be built. For if they [the clergy] which seem to be workmen, are no workmen in deed, but [only] in name, or else work not so diligently and in such order as the workmaster commandeth, it is not only unlikely that the building shall go forward, but altogether impossible that ever it shall be [perfected]."<sup>120</sup> The root of the problem, Field and Wilcox assert, is that too much power is in the hands of too few men, namely the bishops, who are inevitably fallible and corruptible. The work of reform will proceed expeditiously only when many more members of the community are brought in to contribute their efforts to the task: "[I]t shall be more easy for the wicked by bribing to pervert [one man], than to overthrow the faith and piety of a zealous and godly company."<sup>121</sup>

Well-travelled, enlightened Protestants, of which there were not a few in Elizabethan England, could never be satisfied with the paltry results of the so-called Elizabethan Settlement when there were so much better foreign examples of reform to emulate. "Is a reformation," the authors of the *Admonition* rhetorically ask,

good for France? and can it be evil for England? Is discipline meet for Scotland? and is it unprofitable for this realm? Surely God hath set these examples before your eyes to encourage you to go forward to a thorough and a speedy reformation. You may not do as heretofore you have done, patch and piece, nay rather go backward, and never labor or contend to perfection. But altogether remove whole antichrist, both head, body, and branch, and perfectly plant that purity of word, that simplicity of the sacraments, and severity of discipline, which Christ hath commanded and commended to his church.<sup>122</sup>

For their pedagogical troubles Field and Wilcox were imprisoned for a year.<sup>123</sup>

#### Archbishop Grindal and the prophesyings

When the moderate Archbishop Parker died in 1575 he was replaced by Edmund Grindal, a former Marian exile. Not surprisingly, Grindal proved to be quite sympathetic toward the reform movement, and he took steps to develop that which the Puritans wanted above all else: a preaching ministry.

One of the chief means by which Grindal and other progressive Church leaders sought to improve the clergy was through "prophesyings," or biblical conferences. These were regular gatherings at which the ministers of an area concertedly studied passages of Scripture, lectured on them, and then constructively criticized each others' performances. The laity followed along and asked questions, learning a great deal in the process. Prophesyings had for some time been utilized by the Puritans; they were an established practice in the reformed churches overseas and they had clear scriptural warrant. St. Paul

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<sup>120</sup> Frere and Douglas, 12.

<sup>121</sup> Frere and Douglas, 18.

<sup>122</sup> Frere and Douglas, 19.

<sup>123</sup> Levin, 32.

explains in the New Testament that preaching is useless if it is not performed in such a manner as to be understood by the intended audience:

Follow after charity, and desire spiritual gifts, but rather that ye may prophesy. For he that speaketh in an unknown tongue speaketh not unto men, but unto God: for no man understandeth him . . . he speaketh mysteries. But he that prophesieth speaketh unto men to edification, and exhortation, and comfort. He that speaketh in an unknown tongue edifieth himself; but he that prophesieth edifieth the church. . . . For if the trumpet give an uncertain sound, who shall prepare himself to the battle? So likewise ye, except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? For ye shall speak into the air. . . . How is it then, brethren? When ye come together, every one of you hath a psalm, hath a doctrine, hath a tongue, hath a revelation, hath an interpretation. Let all things be done unto edifying. . . . Let the prophets speak two or three, and let the other judge. If any thing be revealed to another that sitteth by, let the first hold his peace. For ye may all prophesy one by one, that all may learn, and all may be comforted. (1 Cor. 14:1-31)

An unsympathetic account of the prophesyings that nonetheless reveals their efficacy is given by a contemporary, the Jesuit William Weston. He recounts that during the delivery of the sermons at Wisbech, the people would follow with their Bibles open on their laps, looking up passages as they were cited by the preachers. Then, as soon as the public conference was over, "they held arguments also, among themselves, about the meaning of various Scripture texts, all of them, men and women, boys and girls, labourers, workmen and simpletons; and these discussions were often wont . . . to produce quarrels and fights."<sup>124</sup> The prophesyings were indeed quite popular with, and much valued by, godly Protestants, from yeomen to gentry. They were in fact an excellent tool for educating both clergy and laity.

Elizabeth, however, opposed both widespread preaching in general and the prophesyings in particular. She viewed the assemblies as forums for seditious discourse and platforms for the propagation of radical views. She wanted, Knappen surmises, "obedience rather than intelligence in her subjects. Popular education bred fantastical notions of equality. . . . To her . . . ignorance was a small price to pay for docility."<sup>125</sup> So the queen commanded Grindal to put an end to the prophesyings and to reduce the number of preachers in each county to the ludicrously inadequate number of three or four. He refused, defending preaching and prophesying in a letter to his sovereign that put her in her proper place below God and Scripture.

Grindal marvels, he lectures Elizabeth, "how this strange opinion should once enter into your mind, that it should be good for the Church to have few preachers." Nothing is more plain in Scripture "than that the Gospel of Christ should be plentifully preached; and that plenty of labourers should be sent into the Lord's harvest; which being great and large, standeth in need, not of a few,

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<sup>124</sup> Collinson, 380.

<sup>125</sup> Knappen, 253.

but many workmen." One hundred and fifty thousand labourers were needed to build Solomon's temple, "and shall we think that a few preachers may suffice to build and edify the spiritual temple of Christ, which is his Church? Christ, when he sendeth forth his Apostles, saith unto them 'Go ye, preach the Gospel to every creature.' But all God's creatures cannot be instructed in the Gospel, unless all possible means be used, to have [a] multitude of preachers and teachers . . . preach unto them."<sup>126</sup>

As for the prophesyings, "nothing is so necessary as these . . . exercises and conferences amongst the Ministers of the Church: which in effect are all one with [i.e. equivalent to] the exercises of students in divinity in the Universities; saving, that the first is done in a tongue understood, to the more edifying of the unlearned hearers."<sup>127</sup> Here Grindal lists the many obvious contributions of the prophesyings to the improvement of the ministry, and he concludes that "it is found by experience the best means to increase knowledge in the simple, and to continue it in the learned."<sup>128</sup>

Undoubtedly most galling of all to the proud queen (the Supreme Governor of the Church!) was Grindal's request that

when you deal in matters of faith and religion, or matters that touch the Church of Christ . . . you would not . . . pronounce too resolutely and peremptorily, as ye may do in civil and external matters: but always remember that in God's causes, the will of God (and not the will of any earthly creature) is to take place. It is the antichristian voice of the Pope, "So I will have it; so I command: let my will stand for a reason." In God's matters, all princes ought to bow their scepters to the Son of God, and to ask counsel at his mouth, what they ought to do. . . . Remember, Madam, that you are a mortal creature [to be judged in the end by God]. . . . And although ye are a mighty Prince, yet remember that he which dwelleth in heaven is mightier.<sup>129</sup>

In May 1577 the queen went over her impudent Archbishop's head and directly ordered the bishops to end the prophesyings, as they were, she proclaimed, "far unmeet for vulgar people" and a dangerous source of disorder.<sup>130</sup> She then put Grindal under house arrest. Blind, ill, and still suspended from his office, Grindal died in 1583. (Though outlawed, the prophesyings continued in a more informal, clandestine manner.)<sup>131</sup>

Few among the political class supported Elizabeth in her dogged conservatism, for it was widely accepted by late sixteenth-century Protestants that, as Collinson puts it, "the ministry of the Church should be an energetic

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<sup>126</sup> John Strype, *The History of the Life and Acts of the Most Reverend Father in God, Edmund Grindal* (Oxford: Clarendon Press, 1821), 560.

<sup>127</sup> Strype, 568.

<sup>128</sup> Strype, 568.

<sup>129</sup> Strype, 572.

<sup>130</sup> Strype, 574.

<sup>131</sup> Neale, *Elizabeth I, 1559-1581*, 373; Collinson, 209.



force, converting the people to a godly obedience by proclamation of the word and discipline."<sup>132</sup> But, again, the queen's will, no matter how solitary, was law.

### Puritanism stymied

Grindal's death in 1583 signified a shift in the character of the Elizabethan episcopate. The queen saw to it that, as the former Marian exiles died out, more pliant anti-Puritan clerics took their place.<sup>133</sup> Grindal himself was replaced by John Whitgift, who shared Elizabeth's hostility to the Puritans and their movement. He immediately launched a campaign to enforce conformity, demanding that all ministers and preachers affirm that the prayer book contained nothing "contrary to the word of God" and swear that they would use this book alone in their services. Many Puritans refused, resulting in three to four hundred ministers and preachers losing their posts or licenses.<sup>134</sup>

Once again the Puritans took up the cause of reform in the 1584 Parliament, where Peter Turner presented a "bill and book." The book was the exiles' own Genevan prayer book of 1556, and the bill called for it to replace the official 1559 prayer book and for a Presbyterian system to replace episcopacy.<sup>135</sup> This immoderate bill was tabled, but the House did consider a number of county petitions complaining of the poor state of the clergy and the harsh treatment meted out to many good preachers.<sup>136</sup> Elizabeth was unmoved. In a meeting with Whitgift, a number of bishops, and her councillors, she inveighed against the freedom and variety of preaching in the land:

[You bishops] suffer many ministers to preach what they list and to minister the sacraments according to their own fancies, some one way, some another, to the breach of unity: yea, and some of them so curious in searching matters above their capacity as they preach [whatever they wish]. . . . Nay, I have heard there be six preachers in one diocese the which do preach six sundry ways. I wish such men to be brought to conformity and unity: that they minister the sacraments according to the order of this Realm and preach all one truth: and that such as be found not worthy to preach, be compelled to read homilies . . . for there is more learning in one of these than in twenty of some of their sermons.<sup>137</sup>

Elizabeth and Whitgift decided that it was not possible to place a learned minister in each of England's thirteen thousand parishes. Instead, "honest, sober . . . men . . . such as can [merely] read the scriptures and homilies well unto the people" would have to do.<sup>138</sup>

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<sup>132</sup> Collinson, 191.

<sup>133</sup> Peter Marshall, 123; Collinson, 201.

<sup>134</sup> Levin, 34.

<sup>135</sup> Solt, 115; J. E. Neale, *Elizabeth I and Her Parliaments, 1584-1601* (New York: St. Martin's Press, 1957), 62.

<sup>136</sup> Neale, *Elizabeth I, 1584-1601*, 63.

<sup>137</sup> Neale, *Elizabeth I, 1584-1601*, 70.

<sup>138</sup> Neale, *Elizabeth I, 1584-1601*, 71.

The Commons were willing to take up the Puritan cause, believing that the Church should be controlled by Parliament.<sup>139</sup> But the queen intervened, commanding them through the Speaker to refrain from meddling with matters concerning the Church, for she alone, as "Supreme Governor of this Church, next under God" and as "a mother over her children," had the authority to deal with questions of religion. In any event, the book on religion had long since been closed as far as Elizabeth was concerned, "For as she found it at her first coming in," the Speaker told the Commons, "and so hath maintained it these twenty-seven years, she meant in like state, by God's grace, to continue it and leave it behind her."<sup>140</sup> Robert Beale later wrote that "all that heard the answers made [above, by the queen and the Archbishop] . . . may well think that in all the histories and records of times past, never any prince or subject gave such an insufficient or opprobrious answer."<sup>141</sup>

At the Parliament of 1587 the stubborn Puritans once again offered a "bill and book." This time the agent was Anthony Cope. The bill's preamble reviewed the recent history of the English Reformation. Henry VIII and Edward VI, it said, had done what they could for true religion. When Elizabeth then came to the throne she was limited by the tumultuous circumstances of her accession to a mere reestablishment of the Edwardian position. But since then "the light of God's glorious gospel" had further penetrated the darkness. It was now time to introduce an advanced Presbyterian structure, "approved by the general judgment and practice of all the best-reformed Churches." The bill advocated the use of a version of the Genevan prayer book and the abolition of all current practices, statutes, and institutions of Church government.<sup>142</sup>

There was, not surprisingly, fear among some members that they would yet again provoke the queen's ire by so blatantly encroaching on her prerogative. Job Throckmorton sought to overcome their trepidation. He told his fellow MPs that the causes with which they dared to deal "reach so high and pierce so near the marrow and bones of Church and Commonwealth" that the Crown should understand their zeal for them. Since the government was not taking care of these vital issues, particularly the procuring of preachers, the "simple men of the country," i.e. the members of Parliament, would have to get involved.<sup>143</sup>

The House had no opportunity fully to consider the bill, much less pass it, for after only one day the queen had the Speaker send it to her to dispose of. In the next few days Parliament nonetheless continued discussing the state of the Church. The intrepid Peter Wentworth got to the fundamental issue at stake: that of sovereignty as between monarch and Parliament. He asked a series of key questions:

Whether this Council [i.e. Parliament] be not a place for any Member . . . freely and without [control] . . . to utter any . . . griefs . . . touching the service of God, the safety of the Prince and this noble Realm? . . . Whether it be not against the orders of this Council to make any [parliamentary]

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<sup>139</sup> Neale, *Elizabeth I, 1584-1601*, 72.

<sup>140</sup> Neale, *Elizabeth I, 1584-1601*, 74-5.

<sup>141</sup> Collinson, 284.

<sup>142</sup> Neale, *Elizabeth I, 1584-1601*, 148.

<sup>143</sup> Neale, *Elizabeth I, 1584-1601*, 150.

secret or matter of weight which is here in hand known to the Prince? [thereby warning the monarch of Parliament's intended action] . . . Whether the Speaker [representing the Crown] or any other may interrupt any member of this Council in his speech? . . . Whether the Speaker may rise when he will (any matter being propounded) without consent of the House? [thereby terminating the proceedings] . . . Whether the Speaker may overrule the House? . . . Whether the Prince and State can . . . be maintained without this Council of Parliament, not altering the government of the State? . . . Whether it be not . . . against the law that the Prince or Privy Council should send for any Member . . . and check, blame, or punish them for any speech used in this place, except it be for traitorous words? . . . Whether it be not against the . . . liberties of this House to receive messages either of commanding or prohibiting, and whether the messenger be not . . . reputed as an enemy to God, the Prince and State?<sup>144</sup>

J. E. Neale well characterizes the danger to the Crown embodied by these searching queries: "In truth, through the plottings of the godly brotherhood and their organized group of Parliamentary agents, Queen Elizabeth was menaced with revolution in both Church and State."<sup>145</sup>

Cope, Wentworth, and others were promptly sent to the Tower and remained in prison through the parliamentary session.<sup>146</sup> Once again the queen sent a peremptory message to the House: "Her Majesty is fully resolved, by her own reading and princely judgment, upon the truth of the reformation which we have already. . . . Her Majesty hath fully considered . . . the exceptions [objections] which are made against the present reformation—and doth find them frivolous."<sup>147</sup>

Christopher Hatton, the Crown's parliamentary manager, then attacked the bill and book, pointing out the great cost to society that any implementation of the Puritans' desired Presbyterianism would entail: the hugely enlarged ministry would have to be paid for out of income from the former ecclesiastical properties now held by the nobility and gentry. It "toucheth us all in our inheritances," he said. More to the point, such an upheaval in the governance of the Church was plainly destructive of the royal supremacy. What, he asked, would be left for the queen to do when all the business of the Church was in the hands of ministers and elders in their presbyteries and synods? The final result, he suggested, would be rebellion.<sup>148</sup>

The Puritan defeat in the Parliament of 1586-87 marked the beginning of a sharp decline in the reform movement's open parliamentary assaults on the Crown. Elizabeth had won. Under markedly greater repression Puritanism entered into a clandestine, more localized mode, destined to rise again in a big way only when the obstinate old queen had passed away. In the meantime those

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<sup>144</sup> Neale, *Elizabeth I, 1584-1601*, 155.

<sup>145</sup> Neale, *Elizabeth I, 1584-1601*, 156.

<sup>146</sup> Wentworth was not so lucky in 1593 when he crossed Elizabeth on the question of the succession: this time he was imprisoned for life. David Harris Willson, *A History of England* (New York: Holt, Rinehart and Winston, 1967), 353.

<sup>147</sup> Solt, 115.

<sup>148</sup> Neale, *Elizabeth I, 1584-1601*, 160.

Protestants whose opposition was even more extreme than that of the Puritans increasingly chose, at great peril, to withdraw from the state Church altogether. A number of Separatist leaders, including Henry Barrow, John Greenwood, and John Penry, were put to death by the government in 1593. It was at about this time that a second great Protestant exile began, this time mainly to Holland and eventually to the New World.<sup>149</sup>

## JAMES

### James in Scotland

Before James I succeeded Elizabeth to become king of England (r. 1603-1625), he was King James VI of Scotland. Throughout the course of that earlier reign he had to contend for power with the Scottish nobility and especially the Kirk (the national Church of Scotland). It was in the course of his involvement in this power struggle in his native country, which was even less settled constitutionally than England, that James' views on the proper relation between monarch and subject took shape and crystallized. In 1603 he would carry those convictions with him into his new realm.

When the reformer Andrew Melville returned to Scotland from Geneva in 1574, while James was still a child, he established a fully Presbyterian system of a type only dreamed of in England. The office of bishop was soon abolished and the Kirk became a quasi-governmental institution separate from the secular state and beyond the control of the Crown. During the lengthy royal minority the General Assembly of the Kirk at times went so far as to usurp the entire sovereign authority of the kingdom.<sup>150</sup>

The theory of Scottish Presbyterianism as laid out in the Kirk's *Second Book of Discipline* of 1578 posits the existence of two independent kingdoms: the "Power of the Sword" and the "Power of the Keys," i.e. State and Church. Given, however, that in practice the two realms are not entirely separable, the doctrine tends to theocracy: it is Christ's kingdom, through its ecclesiastical agents, that will naturally prevail. It will be the function of the ministers to teach the magistrates how to exercise power according to the Word of God, which is the supreme law.<sup>151</sup> James understood this monarchy-threatening dynamic from early on. He was therefore at pains throughout his tenures in both Scotland and England to assert his control over the Church.

In 1584, when James was only eighteen, he had the Scottish Parliament pass what the Kirk called the "Black Acts." These measures overturned the ministers' pretensions, eliminating all ecclesiastical jurisdiction not approved by the Crown-controlled Parliament. They imposed the supremacy of the Crown in all spheres, both temporal and spiritual (through bishops rather than Presbyterian ministers in the latter). To deny that the king could sit in judgment on any person whomsoever was now to be considered treason. Nor was anyone henceforth to be allowed to "attack" the king or his council, meddle in "affairs of

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<sup>149</sup> Solt, 119; Spurr, 56.

<sup>150</sup> Pauline Croft, *King James* (Hampshire: Palgrave MacMillan, 2003), 14.

<sup>151</sup> Solt, 131.

state," or assemble the king's subjects without permission (this last clause was aimed at presbyteries). "The plain meaning of the Black Acts," says Maurice Lee, "was that there were not two kingdoms in Scotland, but one: that of King James."<sup>152</sup>

The Black Acts would seem to have placed James firmly in the driver's seat. But Presbyterianism remained strong in Scotland. Despite the king's best efforts, episcopacy did not take root. Recognizing the facts on the ground, James was compelled in 1592 to assent to the so-called Golden Acts, which for the most part annulled the Black Acts and confirmed "all liberties, privileges, immunities and freedoms [of] the true and holy Kirk established within this realm," including its right to hold General Assemblies.<sup>153</sup>

However, by creating three bishops in 1600 James finally managed to get episcopacy reinstated in the Scottish Church. Within a few years every diocese once again had a bishop. "This," explains Roger Lockyer, "represented the fulfilment of a long-held ambition, for James, from an early age, had regarded bishops as upholders of the royal authority, and he never wavered in his support for them."<sup>154</sup> Nonetheless episcopacy never completely edged out Presbyterianism in Scotland. The religious situation remained unresolved and tense in Scotland throughout the rest of James' Scottish and English reigns and into Charles'.

In his continuing effort to model the Scottish Church on that of England, which he much preferred, James in 1618 succeeded in imposing on his Scots subjects the Five Articles of Perth. One of the articles, requiring kneeling to receive the Sacraments, was particularly obnoxious to Protestants, as it implied transubstantiation. There was widespread resistance to the Five Articles and to other elements of James' anti-Presbyterian program, and the king had the good sense to refrain from trying to enforce them rigorously. But, characteristically, James would not budge an inch on the *principle* of his complete sovereignty. When he summoned those protesting the Five Articles before him and one of their leaders stated that he could give only passive obedience to the king's commands, James' angry response was telling: "I will tell them, man, what is obedience. The centurion, when he said to . . . this man 'Go!', and he goeth; to that man, 'Come!', and he cometh. That is obedience!"<sup>155</sup> In other words, King James would never, at least in theory, accept qualified obedience from his subjects.

#### The divine right of kings

James had been very well educated as a youngster and was a superior pupil, learning several languages and familiarizing himself with many classical works. Throughout his life he made a special effort to master theology, and he knew the Bible well.<sup>156</sup> As several historians point out, James' legendary belief

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<sup>152</sup> Maurice Lee, *Great Britain's Solomon: James VI and I in His Three Kingdoms* (Urbana: University of Illinois Press, 1990), 57.

<sup>153</sup> Roger Lockyer, *James VI and I* (London: Longman, 1998), 23.

<sup>154</sup> Lockyer, 28.

<sup>155</sup> Lockyer, 185.

<sup>156</sup> Croft, 12.

in the divine authority of kings was not original, but few if any writers ever expounded it as forcefully as he did in his *The True Law of Monarchies* (1598).

James' exposition was in large part a reaction to the teachings of his imposing childhood tutor George Buchanan. The latter has been described as "Scotland's most famous man of letters" and "a central intellectual force in the arguments against unlimited royal prerogative"; in general he was an eminent political philosopher of radical Calvinist persuasion who argued that it is acceptable to depose an unsatisfactory king, since, his title notwithstanding, the monarch is in effect merely the servant of the sovereign people.<sup>157</sup> *The True Law* was also an answer to the Presbyterians, who, as we have seen, felt that by right the Kirk should have at least a share in the sovereignty of the realm. In the thinking of such men the king was quite properly subject to being judged by his own people.<sup>158</sup> James would have none of this. He proclaimed over and over again that monarchy is a divinely ordained institution, "the true pattern of divinity," a "yoke" laid by God around the people's necks that they never, under any circumstances, "have leave to shake off."<sup>159</sup> His view of the proper relationship between king and subject follows precisely the three conventional hierarchical doctrines earlier identified by Walzer: chain of being, familial relations, and organic connection.

According to James (and reminiscent of Plato), the members of each social level should be satisfied with their respective stations and not in any way interfere with the hegemony of their superiors.

[I]f it be not lawful [for] any particular lord's tenants or vassals, upon whatsoever pretext, to control and displace their master and overlord . . . how much less may the subjects and vassals of the great overlord, the king, control or displace him? . . . [T]he people may not upon any respects displace their magistrates . . . for the people of a borough cannot displace their provost [i.e. mayor] before the time of [his] election; nor in ecclesiastical policy the flock can upon any pretence displace the pastor nor judge of him; yea, even the poor schoolmaster cannot be displaced by his scholars; if these, I say . . . (none of them equal in any sort to the dignity of a king), cannot be displaced for any occasion or pretext by them that are ruled by them, how much less is it lawful upon any pretext to control or displace the great provost and great schoolmaster of the whole land? [Only] by inverting the order of all law and reason [can] the commanded . . . be made to command their commander, the judged to judge their judge, and they that are governed to govern . . . their lord and governor.<sup>160</sup>

James repeatedly describes himself as a benevolent, loving father, "bound to care for the nourishing, education, and virtuous government of his children,"

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<sup>157</sup> Lee, 31; James I, *The True Law of Free Monarchies and Basilikon Doron*, ed. Daniel Fischlin and Mark Fortier (Toronto: Centre for Reformation and Renaissance Studies, 1996), 24.

<sup>158</sup> Lee, 36.

<sup>159</sup> James I, 52, 61.

<sup>160</sup> James I, 72.

as well as the head of the body politic, the members of which execute their preordained functions "according to their office." "For from the head, being the seat of judgement, proceedeth the care and foresight of guiding and preventing all evil that may come to the body or any part thereof. The head cares for the body; so doth the king for his people."<sup>161</sup>

Expanding upon the proper nature of these hierarchical relationships, James argues that it is "monstrous and unnatural" for a man's sons to rise up against him "upon any pretext whatsoever."

And . . . in case it were true that the father hated and wronged the children never so much, will any man endued with the least [spark] of reason think it lawful for them to meet him with the like [hostility]? Yea, suppose the father were furiously following his sons with a drawn sword, is it lawful for them to turn and strike again or make any resistance but by flight? . . . [As for] the head and the body, it may very well fall out that the head will be forced to . . . cut off some rotten member . . . to keep the rest of the body in integrity; but what state the body can be in if the head, for any infirmity that can fall to it, be cut off, I leave it to the reader's judgement. So . . . if the children may, upon any pretext that can be imagined, lawfully rise up against their father, cut him off, and choose any other whom they please in his room, and if the body, for the weal of it, may, for any infirmity that can be in the head, strike it off, then I cannot deny that the people may rebel, control, and displace or cut off their king at their own pleasure and upon respects moving them.<sup>162</sup>

James carefully notes that God instituted monarchy among the Jews, and that Scripture emphatically enjoins obedience to rulers, to the point that even such kings as Nebuchadnezzar—"an idolatrous persecutor, a foreign king, a tyrant and usurper of [the Jews'] liberties"—and Nero—"that bloody tyrant, an infamy to his age, and a monster to the world, being also an idolatrous persecutor [of Christians]"—are to be unquestioningly obeyed. If God commanded "all due and hearty obedience" to such patently nefarious kings, then "what shameless presumption is it [for] any Christian people nowadays to claim . . . that unlawful liberty which God refused to his own peculiar and chosen people?" The people ought instead, by "the law of God" to obey "their lawful king" as "God's lieutenant in earth . . . without resistance but by sobs and tears to God," to whom alone the king is answerable.<sup>163</sup>

As we shall soon see, the radical opposition to Charles I in the 1640s considered the English kings of their era to have been the direct descendants of that original usurper, William the Conqueror. They therefore saw their struggle as one against an illegitimate, centuries-long tyranny. James, too, was aware of the bare facts of this English history, as well as a similar one for Scotland. But he saw in it not an odious legacy to be corrected but a *fait accompli* to be sensibly accepted. He recounts that, like William of Normandy *vis-à-vis*

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<sup>161</sup> James I, 57, 73.

<sup>162</sup> James I, 74-5.

<sup>163</sup> James I, 65-6.

England, Fergus of Ireland invaded Scotland and made himself king and lord of that country and then proceeded to establish the laws of the land. This was in no way problematic or objectionable as far as James was concerned. In both cases kings preceded laws and Parliaments, "and by them was the land distributed (which at the first was whole theirs), states erected and [delimited], and forms of government devised and established. And so it follows of necessity that the kings were the authors and makers of the laws, and not the laws of the kings." In fact, says James, a king is ultimately the sole proprietor of his kingdom, all "subjects being but his vassals and from him holding all their lands as their overlord"—in which case the king is more justified in taking his lands back from his subjects for any reason whatsoever than they are in overthrowing him for any reason whatsoever.<sup>164</sup>

Thus Parliament, "which is nothing else but the head court of the king and his vassals," is a strictly subordinate entity with no original powers. "For albeit the king make daily statutes and ordinances . . . without any advice of Parliament or estates, yet it lies in the power of no Parliament to make any kind of law or statute without his scepter be to it, for giving it the force of a law."<sup>165</sup> James concedes that it is certainly far preferable for the king to rule in accordance with the laws he has made, but as the supreme governor he is not himself subject to them. He is "above the law, as both the author and giver of strength thereto. . . . And where he sees the law doubtful or rigorous, he may interpret or mitigate the same. . . . And therefore general laws made publicly in Parliament may . . . [by the king's] authority be mitigated and suspended upon causes only known to him."<sup>166</sup> The king literally owns the entire kingdom and makes and modifies all the laws but is not subject to them. A more authoritarian ruler can hardly be imagined.

One reason James had such a feudal conception of Parliament and was so sure of his superiority over it was that, as subordinate as the English Parliament was within the English state, the Scottish Parliament was even less imposing within the Scottish state. It was much smaller than the English version, with fewer than 100 members, and its sessions were far shorter. The king was able to get legislation passed readily in the Scottish Parliament through an agenda-setting and petition-screening body called the committee of the articles. James appointed his privy councillors and officers of state to this committee and himself attended its meetings as well as those of Parliament, where he could initiate legislation without hindrance. It was, says Lockyer, "virtually impossible for any matter to be discussed without either his overt approval or tacit consent."<sup>167</sup> James was perturbed to find that the situation was otherwise in England, whose gigantic Parliament was difficult to pack and not easy to control.

In 1607 James, already residing in England, made a point of praising his native country's more amenable Parliament.<sup>168</sup> In 1610 he tried to get the English Parliament under his control by inviting thirty members to confer with

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<sup>164</sup> James I, 69.

<sup>165</sup> James I, 70.

<sup>166</sup> James I, 72.

<sup>167</sup> Croft, 36, Lockyer, 17.

<sup>168</sup> Croft, 65.



him apart from the rest of the Commons. This tactic was apparently successful from James' point of view, but when the Commons found out about it they forbade any further conferences of this kind.<sup>169</sup> In 1614 James complained to Gondomar, the Spanish ambassador, that "The House of Commons is a body without a head. The members give their opinions in a disorderly manner. At their meetings nothing is heard but cries, shouts, and confusion. I am surprised that my ancestors should ever have permitted such an institution to come into existence. I am a stranger, and found it here when I arrived, so that I am obliged to put up with what I cannot get rid of."<sup>170</sup>

#### James meets the English Parliament

When James came into England upon Elizabeth's death in 1603, the revived Puritans immediately presented him with a *Millenary Petition* (so named because it was supposedly affirmed by over a thousand reformist ministers). This document called for ecclesiastical reform, including the abolition of such abuses as nonresidence and pluralism (whereby ministers received incomes from benefices in which they did not live or work), the better provision of preaching ministers, and a revision of the execrable prayer book. It also called for a halt to practices long deemed objectionable by advanced Protestants such as the wearing of the surplice, the signing of the cross in baptism, the use of the ring in the marriage service, and bowing at the name of Jesus. The Puritans proposed, and the king accepted, a general conference on religious policy as a follow-up to this petition.

The subsequent meeting at Hampton Court Palace in January 1604 resulted in no major progress from the Puritan standpoint. James made a show of his impressive erudition and granted a few minor points but conceded nothing of substance. On the contrary, he expressed his satisfaction with the superior state of religion in England—his "promised land"—compared to that in his troublesome country of origin. During the proceedings he encapsulated his hostility to the Puritan's anti-episcopacy program by (twice) famously proclaiming "No bishop, no King!" In the end he told the reformers that they must conform to the established religion or quit the realm. Thus, just as Elizabeth had dug in her heels on religious policy right after coming to the throne, James in an identical circumstance let it be known not only that he would not assent to further Protestant reform, but that the Puritans would find in him a formidable opponent if they persisted in their ambitions. (One of the few positive results of the conference, a commitment by James to produce the Authorized Bible, was of no great significance to the Puritans: the English Bible was by this time no longer a rare commodity.) Then, to show he meant business, James shortly after the conference foisted on the Puritans a compulsory subscription to the prayer book no more acceptable to them than a similar measure had been under Elizabeth. About eighty resistant ministers

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<sup>169</sup> Lockyer, 74.

<sup>170</sup> Lee, 93.

were eventually deprived, some of them subsequently joining the Separatist ranks.<sup>171</sup>

James' chief aim in the Parliament of 1604, his first in his new kingdom, was to pass legislation effecting the de jure union of England and Scotland, which he felt had already been achieved de facto by his double monarchy. James was shocked and stupefied by the negative reaction of his English subjects to this initiative. They felt, and the courts agreed, that a formal union proclaiming the new title of King of Great Britain would annul all previous laws enacted in the name of the King of England. They had several other concerns and suspicions about the union as well, a number of which reflected outright prejudice toward the Scots, whom they considered a poor and inferior people. In any event, other disputes arose between king and Parliament and for the most part the legislative agenda got nowhere. Hence James became increasingly annoyed with this first English Parliament of his and expressed to the Commons his dissatisfaction with their proceedings, informing them in the process that their privileges derived from his royal grant alone.

The Commons responded to these musings with *The Form of Apology and Satisfaction*, in which they attempted to disabuse James of what they saw as his misperceptions about the proper relationship between Crown and Parliament. They first of all took issue with James' claim that parliamentary privileges derived from the king's grace: "[O]ur privileges and liberties are our right and due inheritance, no less than our very lands and goods. . . . [and] they cannot be withheld from us, denied, or impaired, but with apparent wrong to the whole state of the realm." They admitted that at the beginning of each parliamentary session they customarily requested of the king that he grant them their privileges, but they averred that this was "an act only of manners." The Commons then declared that the king's "misinformed positions" dangerously impugned "the privileges of our House, and therein the liberties and stability of the whole kingdom."<sup>172</sup> And among the particular rights they identified as being threatened were their freedom of speech and "our most ancient and undoubted rights in treating of matters for the peace and good order of the Church."<sup>173</sup>

Having asserted the independent origin as well as the substance of their rights (historically rather inaccurately), the Commons then explain why they are so protective of them. Here they get to the heart of the matter, regardless of legal niceties. The monarch, they point out, is nothing other than the son or daughter of the previous monarch; there are no qualifications whatever for the office. Hence the inevitable accession to the throne at some time or other of persons possessing either inadequate mental faculties or tyrannous dispositions. A defense against this eventuality, in the form of parliamentary privileges, must be built into the constitution.

If good kings were immortal as well as kingdoms, to strive so for privilege were but vanity perhaps and folly; but seeing the same God who in his great mercy hath given us a wise King . . . doth also sometimes permit

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<sup>171</sup> Peter Marshall, 125; Fraser, 105, 113; Lockyer, 113; Knappen, 328; Solt, 142.

<sup>172</sup> J. R. Tanner, *Constitutional Documents of the Reign of James I* (Cambridge: Cambridge University Press, 1961), 221.

<sup>173</sup> Tanner, 222.

hypocrites and tyrants [to become kings] in his displeasure and for the sins of the people, from hence hath the desire of rights, liberties, and privileges, both for nobles and commons, had its just original, by which an harmonical and stable State is framed.<sup>174</sup>

As for the all-important matter of religion, "it will appear by examination of truth and right that your Majesty should be misinformed if any man should deliver that the Kings of England have any absolute power in themselves either to alter Religion . . . or to make any laws concerning the same otherwise than as in temporal causes, by consent of Parliament."<sup>175</sup>

The *Apology* was never formally presented to the king, but he learned of its contents. Predictably, given his exaggerated concern for the sanctity of his royal prerogative, it left a very sour taste in his mouth. Lee has plausibly argued that James' disappointment with his first English Parliament was both great and decisive. His dream of union was shattered. More generally and fundamentally, he found the institution to be all but useless to him. A "permanent estrangement" set in between king and Parliament for the rest of the reign.<sup>176</sup> In fact, in the Parliament of 1610 James felt compelled to lecture his subjects once more on the topic of his limitless authority: "The state of monarchy is the supremest thing upon earth; for kings are not only God's lieutenants upon earth, and sit upon God's throne, but even by God himself they are called gods." And he repeated the trope of the king being the father of his people and the head of the body politic, accountable to none but God Himself. Like God, furthermore, kings are omnipotent; they have the power to "make and unmake their subjects; they have power of raising, and casting down; of life, and of death. . . . They have power to exalt low things, and abase high things, and make of their subjects like men at the chess—a pawn to take a bishop or a knight."<sup>177</sup>

At the end of the day James was little different from Elizabeth as far as the Puritans were concerned: he was an immovable obstacle in the way of their cherished plans for reform. The "Elizabethan Settlement" morphed seamlessly into the "Jacobean Consolidation."<sup>178</sup> A number of Protestants abandoned the Church altogether, becoming either Separatists or exiles.

#### The outbreak of the Thirty Years War

One of James' many actions that seem to have been practically calculated to offend Puritan sensibilities was his issuance of the *Declaration of Sports* in 1618, to be published and read in all churches throughout the country. By this proclamation official sanction and encouragement was given to physical recreation, sports, and games after Sunday service, a period of time that the Puritans believed should be set aside for spiritual activities alone, as the Fourth Commandment stipulates. The ostensible reason given by the Crown for the

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<sup>174</sup> Tanner, 222.

<sup>175</sup> Tanner, 226.

<sup>176</sup> Lee, 123.

<sup>177</sup> J. P. Kenyon, *The Stuart Constitution, 1603-1688* (Cambridge: Cambridge University Press, 1966), 12.

<sup>178</sup> Solt, 163.

issuance of the *Declaration* was that Protestants should be allowed to have their fun or they might turn Catholic. It is much more probable, however, that like Elizabeth James preferred his subjects to be entertained rather than educated, and to have as little opportunity as possible to assemble in a deliberative manner for subversive contemplation and seditious talk. When he was confronted with the refusal of many ministers to read the *Declaration* from the pulpit, James, always aware of the practical if not the theoretical limits of his authority, withdrew his order to read it.<sup>179</sup>

As this incident illustrates, sabbatarianism, which was essentially about the institutionalization of godly instruction, was a very important plank in the Puritan program. The controversy over the Sabbath—the regular day of spiritual education for everyone—was therefore a serious matter. To the objection that working people needed time for pure, unintellectual recreation, the Puritans answered that this time should be taken out of work days, not the Sabbath.<sup>180</sup>

At the very same time that James was attempting to dampen his subjects' enthusiasm for Protestantism at home, a dire threat to international Protestantism was materializing in Europe. The conflict erupted upon the deposition by the Bohemian aristocracy of their Catholic king, Ferdinand, and the installation in his place of Frederick, the Protestant Elector Palatine and James' son-in-law. This event precipitated the Protestant-Catholic Thirty Years War, which many Englishmen then followed with immense apprehension. By 1621, with the help of a Spanish army, Ferdinand had driven Frederick out of Bohemia and the Palatinate, and the war had spread to other states. Rather than help Frederick and defend European Protestantism, however, James pursued a pacific policy with Spain—the principal Catholic power and a veritable "Evil Empire" in English eyes—part of which involved trying to arrange the marriage of his son Charles with the Spanish Infanta (princess). This course of action understandably appalled English Protestants, who felt that the moment of truth had arrived in the European-wide struggle for reformation and that this called for aggressive and decisive action on the part of Protestants everywhere.

Absent a familiarity with his outlook on monarchy, which colored his every move, James' do-nothing foreign policy would seem to the historical observer to be either incomprehensible or that of a timid, small-minded person (or, much less plausibly, that of a principled pacifist). But in 1609 James had written the *Premonition* (i.e. warning) to every European king and prince, Protestant and Catholic alike—whom he described as his cousins and friends—in which, says Pauline Croft, he expressed the "conviction that the estate of monarchy, and the need to defend the divinely bestowed powers of monarchs, created unshakeable bonds of unity between all European rulers." To James these royal bonds "transcended the catholic-protestant divide" and made foreign policy a realm to be handled diplomatically by the royal houses of Europe, not settled forcefully by the subjects of the individual kingdoms. In the current religious conflagration, therefore, James sought to balance his Protestant alliances with a Spanish/Catholic marriage alliance so as to "reinforce his personal links with other European sovereigns and demonstrate his ecumenical

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<sup>179</sup> Solt, 160.

<sup>180</sup> Hill, *Society and Puritanism*, 197.

goodwill"—and in the process come out looking like "a wise Solomon bridging the European religious divide."<sup>181</sup> In sum, James was a dynast who saw foreign relations in terms of the indisputable legal and hereditary rights of princely rulers (to be amicably adjudicated in cases of dispute), rather than in terms of dubious religious interests (to be fought over by whole nations).<sup>182</sup> "What hath religion to do to decrown a king?" he demanded to know with regard to the Bohemian revolt. "[M]ay subjects rebel against their prince in quarrel of religion? Christ came into the world to teach subjects obedience to the king, and not rebellion!"<sup>183</sup> At all cost James wanted to prevent ideological warfare from flaring up among European rulers, as this would likely upset the monarchical status quo and give impetus to the erection of "popular states."<sup>184</sup>

Unfortunately for James, his subjects were thoroughly anti-Spanish in their sentiments and either did not understand his hesitant reaction or were aware of his dynastic concerns but had little sympathy for them. While James viewed Frederick and Elizabeth as "the leaders of an abhorrent rebellion against a rightful ruler," many Englishmen saw them as Protestant heroes.<sup>185</sup> There was therefore great disappointment if not disgust among James' subjects with his failure to intervene resolutely on the couple's side.

At the end of November 1621 a certain Sir George Goring proposed to the Commons that they petition the king to declare war on Spain and the emperor unless the Palatinate were restored. The Commons took this opportunity to remind their sovereign of the great danger to the kingdom from "popery," i.e. aggressive Catholicism, and to urge upon him a suitable course of action in the tense international situation. In their petition they told him that although he might, commendably, wish to be "peaceable and pious," it was necessary on "this just occasion speedily and effectually to take your sword into your hand" in order to aid "those of our religion in foreign parts." They even advised him on how best to manage the proposed war, namely by employing a maritime "diversion" rather than getting stuck in a protracted slugfest between land armies in central Europe. They also advised the king to abandon his plan for a Spanish match for Prince Charles and instead find him a Protestant bride.<sup>186</sup>

However commonsensical these suggestions may have seemed to the Commons, their very offering of them, especially the last, was undoubtedly an intrusion on the king's prerogative. Given his unbounded touchiness on this front, James predictably "exploded," and in a series of messages back and forth between them, the king and Parliament engaged in a full-fledged rhetorical struggle for sovereignty.<sup>187</sup>

On 3 December James wrote to the Speaker that

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<sup>181</sup> Croft, 83-5.

<sup>182</sup> Croft, 89; Lee, 264.

<sup>183</sup> Lockyer, 147.

<sup>184</sup> Lee, 265.

<sup>185</sup> Croft, 108.

<sup>186</sup> Tanner, 277-8.

<sup>187</sup> Lee, 288.

We have heard by divers reports, to our great grief, that . . . some fiery and popular spirits of some of the House of Commons [have been emboldened] to argue and debate publicly of . . . matters far above their reach and capacity, tending to our high dishonour and breach of prerogative royal. [This letter is] therefore to command you to make known in our name unto the House, that none therein shall presume henceforth to meddle with anything concerning our government or deep matters of State, and namely not to deal with our dearest son's match with the daughter of Spain. . . . [Furthermore,] you shall [inform] them in our name that we think ourselves very free and able to punish [by imprisonment] any man's misdemeanours [or insolent behaviour] in Parliament, as well during their sitting as after.<sup>188</sup>

Replying to this message in a second petition, the Commons tried to explain to James that, besides feeling that he had implicitly invited them beforehand to deliberate on the issues in question, they "cannot conceive that the honour and safety of your Majesty and your posterity, the patrimony of your children invaded and possessed by their enemies, the welfare of religion and state of your kingdom, are matters at any time unfit for our deepest consideration in time of Parliament."<sup>189</sup> Although they professed that they had no intention to invade "the sacred bounds of your royal authority," they nonetheless reiterated their previous policy positions on "those things which are the proper subjects of Parliamentary occasions and discourse."<sup>190</sup>

The king was not mollified, since in substance the House had not backed down in the least. He answered the Commons by reminding them that "we are an old and experienced King needing no such lessons," and charged them once again with usurping the royal prerogative and "meddl[ing] with things far above your reach . . . for who can have wisdom to judge of things of that nature but such as are daily acquainted with the particulars of treaties and of the variable and fixed connexion of affairs of State, together with the knowledge of the secret ways, ends, and intentions of princes in their several negotiations?"<sup>191</sup> Finally, and most insufferably, he insisted that, rather than talk about inherited rights, the Commons should acknowledge that their privileges are not inherent but rather are "derived from the grace and permission of our ancestors and us."<sup>192</sup>

The Commons *Protestation* of 18 December 1621 is justly celebrated, for here Parliament takes the gloves off and forthrightly proclaims its rightful place in the constitution of England. Since it is such a bold, comprehensive, and pithy statement, it is worth quoting in full:

The Commons now assembled in Parliament . . . do make this Protestation . . . That the liberties, franchises, privileges, and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the King,

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<sup>188</sup> Tanner, 279.

<sup>189</sup> Tanner, 281.

<sup>190</sup> Tanner, 282-3.

<sup>191</sup> Tanner, 284, 286.

<sup>192</sup> Tanner, 286.

State, and defence of the realm and the Church of England, and the maintenance and making of laws, and redress of mischiefs and grievances which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament; and that in the handling and proceeding of those businesses every member of the House of Parliament hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same . . . and that the Commons in Parliament have like liberty and freedom to treat of these matters in such order as in their judgments shall seem fittest; and that every member of the said House hath like freedom from all impeachment, imprisonment, and molestation (other than by censure of the House itself) for or concerning any speaking, reasoning, or declaring of any matter or matters touching the Parliament or Parliament-business.<sup>193</sup>

The king was no less vehement in his final response, for the *Protestation*, James explained, was "an usurpation that the majesty of a king can by no means endure."<sup>194</sup> He had the Commons Journal brought to him at Whitehall, and in a solemn ceremony attended by his privy councillors he tore the *Protestation* from the House's book of record—thus consigning it to official oblivion—and for good measure declared it "invalid, annulled, void, and of no effect." Shortly thereafter he dissolved Parliament.<sup>195</sup>

Having thus defended his prerogative from the uppity MPs, James the next year turned to deal with the army of insubordinate preachers stalking the land in his *Directions to Preachers*. The "abuses and extravagances" of these troublemakers included the broaching of "unprofitable, unsound, seditious, and dangerous doctrines, to the scandal of the Church and disquiet of the State and present government."<sup>196</sup> To curb this sedition the *Directions* stipulated that henceforth (1) preachers should limit themselves to topics encompassed by the authorized Articles of Religion and the Homilies; (2) the contents of sermons on Sunday afternoons should be limited to material from such standards as the Creed, the Ten Commandments, the Lord's Prayer, and, best of all, the children's Catechism; (3) no preacher shall "presume to preach . . . the deep points of predestination, election, reprobation, or of the universality, efficacy, resistibility or irresistibility, of God's grace; but leave those themes rather to be handled by the learned men"; (4) no preacher "shall presume . . . to declare, limit, or bound out . . . the power, prerogative, and jurisdiction, authority, or duty of Sovereign Princes, or otherwise meddle with matters of State and the differences between Princes and the people than as they are instructed and [furnished with precedents] in the Homilies of Obedience and . . . [the] Articles of Religion set forth . . . by public authority"; (5) no preacher shall "fall into bitter invectives and undecent railing speeches" against Papists (the *Directions* add "or Puritans" in order to appear even-handed, but James' concern is mainly with attacks on

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<sup>193</sup> Tanner, 288.

<sup>194</sup> Lockyer, 70.

<sup>195</sup> Croft, 113; Lee, 289.

<sup>196</sup> Tanner, 80.

Catholics); and (6) the Church authorities should be more discriminating in the licensing of preachers.<sup>197</sup>

The dismay of the Puritans upon learning of these incredible "directions" can well be imagined. If dutifully obeyed they would have turned the ministry into a useless herd of bromide-spouting automatons.

### Arminianism

In the early seventeenth century a new yet regressive religious tendency appeared in England. It came to be called Arminianism, after the Dutch theologian Jacobus Arminius, who contemporaneously with events in England rebelled against the strict Calvinism practiced in the Netherlands. The English variant of the new school, however, had its own founder, one Lancelot Andrewes. In contrast to the Puritans, Andrewes and his followers (which included William Laud, of future notoriety) refused to brand everything about the Catholic Church as evil.<sup>198</sup> Like the Catholics, they valued ceremony and material adornment in the Church and devalued preaching and the study of Scripture.<sup>199</sup> Doctrinally they turned away from the Calvinist tenet of predestination and reintroduced into their theology an element of free will. Most importantly, they emphasized order and obedience to authority.

In 1618 James supported the anti-Arminian position at the international Synod of Dort held in the Netherlands to deal with the Arminian controversy. Yet, though he was always nominally an orthodox Calvinist, like his Tudor predecessors James was driven more by political considerations—especially a concern to maintain the monarchical status quo—than by religious conviction as such. At first he looked askance at the Arminians, feeling that they were a potentially destabilizing force, but, as religious tensions mounted with the progression of the Thirty Years War, he found himself on the same side as they were: in opposition to militant Calvinism. It was radical Protestantism that both were troubled by, not Catholicism.<sup>200</sup>

One of the most provocative of the Arminians was Richard Montagu, who in 1624 wrote a tract entitled *A New Gag for an Old Goose*, in which he stated that the Catholic Church was a true church and also intimated that the Puritans should be driven out of the English Church. A furious Commons called on Archbishop Abbot to censure Montagu, and the primate instructed him to write a more acceptable tract to make amends. Instead Montagu, after conferring with the king, who apparently saw nothing objectionable about his views, wrote *Appello Caesarem* (I appeal to the King), which was even more inflammatory than his first essay. Still, James allowed it to be published. Lockyer observes that "James was [apparently] moving away from Calvinist beliefs during the last year or two of his life. . . . The men he valued were those who were content to work within the status quo, those who willingly accepted the royal supremacy."<sup>201</sup> The Arminians were just such men.

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<sup>197</sup> Tanner, 81.

<sup>198</sup> Tanner, 47.

<sup>199</sup> Peter Marshall, 134.

<sup>200</sup> Lockyer, 121.

<sup>201</sup> Lockyer, 122.



A number of scholars have argued that Arminianism was not really quasi-Catholic, that James was not really Arminian, and/or that Catholicism was not really a threat to England. Whatever the technical merits of these arguments, they ignore the larger picture, namely that a very real international religious struggle was underway that gravely concerned a large section of the political class. Allegiances were being tested and people were having to take sides in what was widely seen as an Armageddon-like conflict. Certainly the Puritans' fear that James was less than fully committed to the Protestant cause was not imagined. In fulfillment of the terms surrounding Charles' marriage to the Spanish Infanta, James released numerous Roman Catholics from prison. He acquiesced to Spanish demands that, once married to the English prince, the Infanta should be provided with a church served by a Catholic bishop and priests, and that she should have control over the religious education of her children; in other words the royal children would be raised Catholic. In secret articles of the subsequent marriage treaty James pledged to waive the English penal laws against Catholics and to encourage Parliament to repeal them. When Charles turned against Spain after his unsuccessful wooing of the Infanta, his father was forced to change his tune, introducing a number of anti-Catholic measures. But then a new marriage treaty with France, by which Charles was now to marry a French Catholic princess instead of a Spanish one, also granted the bride and English Catholics a number of religious privileges and freedoms.<sup>202</sup>

James' religious tergiversations, concludes Leo Solt, "foreshadowed the transformation in the Crown's theological stance that would take place with Charles' succession to the throne."<sup>203</sup> The theological divide between king and people grew ominously wide during James' reign. His son would expand it into a chasm. Given that the new king's imperiousness was every bit as prodigious as his father's, while his intellect and political savvy were far inferior, the result of the alienation he sowed among his people was, finally, revolution.

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<sup>202</sup> Solt, 167.

<sup>203</sup> Solt, 169.

#### IV. REVOLUTION I

The religious contention of the reigns of Elizabeth and James intensified under Charles I (r. 1625-1649). But actual insurgency on the part of the parliamentary class did not get underway until well into the new reign, after Charles had provoked an outright rebellion in Scotland in 1637 by attempting to impose his Arminian church policy on the Presbyterian Scots, leading to war between England and Scotland. The necessity of funding the war forced Charles to turn for assistance to Parliament, which he had tried hard to do without. Parliament finally took advantage of the king's predicament to enhance its place in the constitution—to vault, in fact, to a position above that of the king. Charles naturally would not tolerate such a demotion, and the resulting impasse led to civil war.

The Parliamentarians defeated the king in battle, but this was far from the end of the conflict. In the distressed and rancorous aftermath of the Civil War the king found renewed support for his cause amongst old royalists, new royalists, Scots now alienated from their wartime parliamentary allies, and even conservative members of Parliament—so much so that a Second Civil War ensued. It was only when the army commanders, pushed by radicals within the ranks and by the London radicals called Levellers, saw that they had not only to *subdue* the king but to *eliminate* both king and Crown, that the revolution proceeded to its republican conclusion in 1649.

It was the Levellers more than anyone else who championed a new form of government, one without king or Lords. They might therefore be called the fathers of parliamentary, or representative, government in England. Actually they envisioned something more than this: what might perhaps be called a proto-socialist utopia.<sup>1</sup> In any event, their natural law ideology and their political immaturity prevented them from formulating, much less realizing, *democracy*.

The Republic ended up being short-lived. Simply put, the victorious army would not let the relatively conservative Parliament rule and Parliament would not tolerate army rule. The consequent institutional chaos was finally too much for one general, George Monck, who then set in train the movement to restore the monarchy.

#### CHARLES I

##### The Caroline counter-reformation

As we saw in the last chapter, James toward the end of his reign was beginning to show favor to Arminian clerics. His son went much farther: he made a wholesale commitment to Arminianism in the English Church, raising Arminians to the highest ecclesiastical offices. This policy was anathema to the Puritans, who, despite Elizabeth's and James' best efforts to curb zealous Protestantism, remained in the late 1620s a sizable proportion of the political nation. It was one thing to curb further reform, as Charles' royal predecessors

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<sup>1</sup> Fenner Brockway entitles his book on the Levellers *Britain's First Socialists*. (See the Bibliography.)

had consistently done; it was quite another to try to *undo* the reformation that had thus far been achieved, which is what the new king and his clerical henchmen seemed to their contemporaries to be attempting, for Arminianism was widely considered to be nothing less than a retreat back toward Catholicism.

Charles' appointment of William Laud to the Archbishopric of Canterbury in 1633 ensured that Arminians would be promoted to top positions throughout the Church hierarchy. Laud and his allies soon dominated the Privy Council and the prerogative courts of Star Chamber and High Commission, which they used to prosecute opponents of their reactionary religious policies as well as critics of episcopacy in general, of which there were many.<sup>2</sup> Punishments could be severe and could include physical mutilation. The best known case of the latter is that of the anti-episcopal authors William Prynne, John Bastwick, and Henry Burton, who together in 1637 were sentenced by Star Chamber to have their ears cut off and then imprisoned indefinitely (they were released by the Long Parliament in November 1640).<sup>3</sup>

But these were only the more spectacular barbarities of the new dispensation. The daily vexations suffered by the Puritans in the darkest days of Elizabeth and James were now revived with a vengeance. As John Spurr describes it: "[T]he clergy were instructed to conform to the letter of the Prayer Book, to read the services as and when prescribed, without addition or omission, and to wear the stipulated clerical dress and vestments. . . . Preaching was regulated and discussion of predestination especially was discouraged. The lecturers . . . [were closely monitored]; the authorities insisted that [rote] catechizing sessions replace Sunday afternoon sermons and [they] discouraged unofficial catechisms."<sup>4</sup>

Yet, notes Jonathan Scott among others, Charles was not particularly interested in religious belief per se. His deeper aim was to "radically diminish the role of doctrine and religious belief of any kind and substitute for them a new culture of conformity and obedience."<sup>5</sup> James, it will be recalled, had been acutely aware of the correlation between ecclesiastical and civil authority. He had seen the Church as a great buttress of royal power. Charles, too, understood this relationship, although less intellectually and more instinctively than his father. General Henry Ireton explained in 1648 that the king's intent was "to hold the community of men, as much as might be, in a darksome ignorance and superstition or formality in religion, with only an awful reverence of persons, offices, and outward dispensations, rendering them fit subjects for ecclesiastical and civil tyranny." The superstitious practices that Charles and Laud encouraged served as "chains and fetters" to prevent men's self-enlightenment, and thereby enabled the king, like a puppet master, to control both Church and people.<sup>6</sup>

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<sup>2</sup> J. P. Kenyon, *The Civil Wars of England* (New York: Alfred A. Knopf, 1988), 15.

<sup>3</sup> Peter Marshall, 209.

<sup>4</sup> Spurr, 87.

<sup>5</sup> Jonathan Scott, *England's Troubles: Seventeenth-Century English Political Instability in European Context* (Cambridge: Cambridge University Press, 2000), 127.

<sup>6</sup> *Army Remonstrance*, in A. S. P. Woodhouse, *Puritanism and Liberty* (Chicago: University of Chicago Press, 1965), 459.

In 1633 Charles reissued his father's *Declaration of Sports* encouraging traditional recreational activities after Sunday church services. James, as we saw, had rescinded his order when he encountered fierce resistance to it from Puritan ministers. But, characteristically, the more doggedly authoritarian Charles insisted on its enforcement. As a result, a number of non-complying ministers were suspended or deprived by the Court of High Commission.<sup>7</sup>

Of all Charles' religious policies, however, the one that most viscerally affronted the convictions of Protestants was that regarding the placement of the communion table in churches. The king and his archbishop resolved to treat the tables as altars, that is, as places where sacrifice occurs, as in the Catholic mass. The controversy started at the Church of St. Gregory's a few days after the reissue of the *Declaration of Sports*. The Laudian pastor of this church decided to move the communion table from the middle of the chancel, where it was accessible to the parishioners, to the east end against the wall. There it was turned altarwise (aligned north-south), raised a few steps, and surrounded by rails, ostensibly in order to prevent its defamation but in reality to mark off its vicinity as a special, sacred space. The laity were to receive communion while kneeling at the altar rails, and they were to bow to the altar and at the name of Jesus. When this drastic, catholicizing transformation of the usual church service was challenged in court, Charles intervened to uphold it. Moreover, he encouraged the same practice throughout the land, contravening the custom since Elizabeth's reign of keeping the communion table amongst the parishioners and treating it as a simple table.<sup>8</sup>

Charles' altar policy was an unmistakable case of the exalting of obsequious ceremony over religious understanding of the type cultivated through biblical study, preaching, and discussion. "To Puritans who valued their emancipation from superstition," says Conrad Russell, kneeling and bowing at altar rails "represented exactly the type of thralldom from which they hoped they had escaped."<sup>9</sup> More specifically, the new altar policy was a blatant endorsement of the Catholic doctrine of transubstantiation (whereby Jesus is held to become embodied in the bread and wine at the communion service)—something that no Protestant could fail to recognize and resent. It was, said the *Root and Branch* petitioners of 1640, "a plain device to usher in the Mass."<sup>10</sup> Some historians regard the altar policy as having been nothing less than an "Arminian revolution."<sup>11</sup>

While he aggressively promoted Arminians to office and sanctioned their style of religious practice in church services within the kingdom, Charles was complacent in the portentous area of foreign policy. In the Thirty Years War the Emperor's Catholic armies were advancing on most fronts. England was theoretically the leading Protestant power in Europe, but under Charles, as under

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<sup>7</sup> Solt, 184.

<sup>8</sup> Solt, 184.

<sup>9</sup> Conrad Russell, *The Crisis of Parliaments: English History, 1509-1660* (London: Oxford University Press, 1971), 315.

<sup>10</sup> Samuel Rawson Gardiner, *The Constitutional Documents of the Puritan Revolution, 1628-1660* (Oxford: Clarendon Press, 1889), 70.

<sup>11</sup> Peter Marshall, 199, commenting on Tyacke.

his father, she had done virtually nothing to support her coreligionists.<sup>12</sup> This inactivity grievously alarmed and exasperated the Puritans, for, as Christopher Hill puts it, in the religious wars they "saw a cosmic drama being played out around them."<sup>13</sup> In the words of Jeremiah Whittaker (1643): "These are days of shaking . . . and this shaking is universal; the Palatinate, Bohemia, Germania, Catalonia, Portugal, Ireland, England."<sup>14</sup> It was axiomatic to the godly that the safety of Protestantism at home, only relatively recently won—and not completely at that—was closely linked to its preservation in the rest of Europe. They therefore had good reason to worry for their religion, and to be irate at their sovereign's manifest failures in defending it.

Parliament had little opportunity to react to Charles' policies, since he decided early on in his reign to rule without it. He had proclaimed in 1626 that "Parliaments are altogether in my power for their calling, sitting and dissolution; therefore as I find the fruits of them good or evil, they are to continue, or not to be."<sup>15</sup> The dramatic events of the truncated Parliament of 1629, the last that Charles would call until 1640, are indicative of the animosity that had already developed between the king and his subjects. Charles called this Parliament in order to raise revenue, specifically to request tonnage and poundage duties. Speaking for his fellow MPs, however, Francis Rous wanted first to address "the increase of Arminianism. . . . Yea, I desire that we may look into the belly and bowels of this Trojan horse, to see if there be not men in it ready to open the gates to Romish tyranny and Spanish monarchy."<sup>16</sup> But as far as Charles was concerned, his religious policy was not open to question. He therefore decided to adjourn the session. Before the adjournment order could be carried out, however, John Eliot hurriedly prepared three short resolutions against innovations in religion and against the collection of tonnage and poundage duties without parliamentary approval. On 2 March, with the king's agent pounding on the House's locked door and the Speaker forcibly held in his chair by Puritan members (and thereby prevented from immediately adjourning the session by standing up), the Commons resolved that anyone seeking to promote Arminianism or popery in England would be considered a capital enemy to the kingdom. A week later Charles dissolved Parliament, by which time the Privy Council had arrested Eliot and eight other members. Most were soon released, but Eliot died three years later in the Tower of London.<sup>17</sup>

Doing without parliamentary grants compelled Charles to resort to various irregular financial expedients, the most notorious of which was ship money. This had heretofore been a special levy on port towns in the form of ships, meant to be imposed when the coast was threatened with invasion. Charles made it a permanent tax in money throughout the realm, regardless of foreign threat, and of course without the consent of Parliament (and therefore arguably

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<sup>12</sup> Kenyon, *Civil Wars*, 11.

<sup>13</sup> Christopher Hill, *The Century of Revolution, 1603-1714* (London: Nelson, 1966), 81.

<sup>14</sup> Scott, 133.

<sup>15</sup> Kenyon, *Stuart Constitution*, 59.

<sup>16</sup> Solt, 176.

<sup>17</sup> Solt, 177; Maurice Ashley, *The English Civil War* (New York: St. Martin's Press, 1990), 32.

illegal), since he was keeping the latter out of session.<sup>18</sup> It was clearly recognized by the Puritan opposition that Charles' resort to dubious financial measures was a result of his sinister attempts to change the country's religion. The logic was that while Charles' objectionable religious policies were in force Parliament could not reasonably be expected to vote him the supplies that he requested and that the government needed to function; he would therefore have to find alternative sources of income. Russell points out that Prynne was quite correct when he maintained that "Ship Money was wanted for setting up idolatry."<sup>19</sup> It is evident, then, that Charles' fiscal difficulties were mostly of his own making.

#### The Scots war

The Scots, it will be recalled, were quite attached to their hard-won Presbyterian church polity. Only to a very limited extent had James been able to foist episcopacy on them, and in his attempts to do so he had exercised a degree of prudence. Charles, on the other hand, was utterly heedless of Scottish opinion. In 1637 he tried to impose on his proud northern subjects a prayer book similar to the English Book of Common Prayer, doing so without so much as consulting the Scottish Parliament or the Kirk Assembly. In other words, Charles was trying peremptorily to spread his Arminian counter-reformation to a land even more advanced in its Protestantism than England was. The result was immediate riots and then organized rebellion by much of the nation.<sup>20</sup> Indeed, the Scots responded to Charles' provocation by not only repudiating the prayer book but by abolishing episcopacy altogether. "With startling speed," comments Leo Solt, "the Scottish Presbyterians had wiped out rituals and institutions that in their Anglican forms had been plaguing [English] Puritans for years."<sup>21</sup>

Intent on having his way in the face of this resistance, Charles in 1639 turned to brute force. But when his ill-organized army arrived at the Scottish border it was clear to everyone that it was no match for the Scots, so Charles was forced to negotiate an armistice (the Treaty of Berwick). Yet Charles would not relent and the Scots would not acquiesce. The king needed a new and better army to renew the war, so he called a Parliament—his first since 1629—to grant the necessary funds.

Naturally the Commons' grievances had accumulated and greatly intensified during Charles' 11-year personal rule. The members regarded his Arminian regime, not the stoutly Protestant Scots, as the real enemy. Not surprisingly, the Short Parliament of April 1640 would do nothing for Charles in the way of money before its many ecclesiastical and civil concerns were addressed. Charles, in turn, as usual had no inclination to satisfy the desires of his Puritan subjects. He chose instead to dissolve Parliament just three weeks after it had assembled and to renew the war against the Scots with whatever resources he could muster on his own. Unfortunately for him these were far from adequate.

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<sup>18</sup> Lunt, 416.

<sup>19</sup> Russell, *Crisis*, 309.

<sup>20</sup> Peter Marshall, 211.

<sup>21</sup> Solt, 200.

A "miserable army of unpaid conscripts" unenthusiastic about their anti-Protestant mission finally moved north against the Scots.<sup>22</sup> The latter, however, had not waited to be invaded but instead had preemptively marched into England. The ragtag English army was easily defeated by a far superior Scottish force containing many veterans of the religious wars on the Continent (in which the Scots had valiantly involved themselves to a much greater degree than their English cousins, gaining in the process valuable military experience). The king was forced to agree to a second, even more disadvantageous armistice, the terms of which left the Scottish army occupying several northern English counties. To add insult to injury, the Scots demanded that England pay the cost of its own occupation. Hence Charles was forced to summon Parliament yet again.

### The Long Parliament

With the king thus humbled, the Long Parliament that met on 7 November 1640 began to function in many ways as the de facto sovereign government, taking unprecedentedly stern—even revolutionary—measures against the Crown. Parliament immediately arrested and soon thereafter executed the Earl of Strafford, the king's principal adviser. Laud was also arrested, along with thirteen bishops, in the first months of 1641; he was finally executed in 1645. The charge in both cases was treason.<sup>23</sup> Parliament also abolished the institutions most closely associated with Charles' repression: Star Chamber, High Commission, and the rest of the prerogative courts. Charles, though still the nominal ruler, was compelled to approve all these parliamentary actions under tremendous pressure.

Parliament then did away with the Crown's arbitrary monetary exactions of the 1630s, including ship money.<sup>24</sup> Tonnage and poundage, heretofore customary and automatic, were henceforth to be voted only for very short periods, and their yield was to be controlled by the Commons.<sup>25</sup> By another act the Crown was prohibited from demanding the payment of any money whatsoever without specific parliamentary sanction. All these measures made the Crown dependent upon parliamentary revenues as never before.<sup>26</sup> Two other acts were passed to ensure that the king would never again be able to rule for long without Parliament: the Triennial Act required that Parliament assemble at least once every three years; another act forbade Parliament's dissolution without its own consent.<sup>27</sup>

The parliamentarians' principal substantive aim, however, remained religious reformation. Constitutional reform was a means to this end. In a sermon delivered to the Long Parliament a few days after its opening, the Puritan preacher Stephen Marshall urged the MPs to "throw to the moles and the bats every rag that hath not God's stamp and name upon it." Parliament and its committees accordingly set about reversing the Laudian "innovations."

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<sup>22</sup> Lovell, 315.

<sup>23</sup> Ashley, *Civil War*, 42.

<sup>24</sup> Barry Coward, *The Stuart Age* (New York: Longman, 1980), 163.

<sup>25</sup> Ashley, *Civil War*, 48.

<sup>26</sup> Lovell, 317.

<sup>27</sup> Coward, *The Stuart Age*, 163.

Hundreds of anti-Puritan cases recently decided in the church courts were reviewed and thrown out.<sup>28</sup> In September 1641 the Commons resolved that communion tables should be removed from the east end of churches and no longer be railed in or bowed to; that crucifixes and other idolatrous images be abolished; and that bowing at the name of Jesus cease. The Book of Sports was overturned; "the Lord's Day," it was declared, "shall be duly observed and sanctified." Some people in any case did not wait upon legislation to relieve their pent-up frustration. On their own initiative they took to destroying altar rails and other emblems of idolatry in a wave of popular iconoclasm.<sup>29</sup> Thus militant Protestantism finally triumphed over the religious conservatism sustained by English monarchs since the middle of the previous century.<sup>30</sup> The Puritans had largely won the religious contest.

Division soon appeared, however, within the parliamentary ranks. Many felt that, with a Protestant Parliament in control and the king seemingly in no position to upset the new order, enough had been achieved. Others, however, saw no reason to halt at this stage in the heady work of reform. Just as the more radical Elizabethan Puritans had progressed from a critique of ceremonies and costumes to a condemnation of the episcopal structure of the Anglican church, so some Puritans in Parliament and many more outside it now proposed the complete abolition of episcopacy. This was the aim of the *Root and Branch Petition* presented to Parliament in December 1640 by 15,000 Londoners and supported by petitions from thirteen counties.<sup>31</sup>

One of the more significant phenomena in these first couple of years of the Long Parliament's ascendancy was the involvement of very large numbers of common people (the "middling sort," not the thoroughly degraded, politically inert poor) in massive popular demonstrations (a) in London in support of the Commons and against popery, and (b) in the provinces against enclosures and landlord oppression. Particular actions were precipitated by specific political developments which the leaders of the "mob" followed closely, such as the trial of Strafford. The resultant pressure from below terrified many members of the nobility and gentry, including many in Parliament who supposedly were fighting against the Caroline regime.<sup>32</sup> Moderate MPs soon became disconcerted by the "disorder" inherent in the spectacle of common people attempting to influence political decisions, for, as Brian Manning remarks, this was "an attack on the established order, in which it was for the gentlemen to rule and the plebeians to be ruled."<sup>33</sup> William Thomason, for one, imperiously lectured the ignorant populace that

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<sup>28</sup> Spurr, 96-7.

<sup>29</sup> Peter Marshall, 212.

<sup>30</sup> English monarchs had always been religiously conservative, but it was only with the rise of the Reformation movement in Henry VIII's reign that the king's religious persuasions and policies became a focal point and a matter of controversy.

<sup>31</sup> Spurr, 97.

<sup>32</sup> Brian Manning, *The English People and the English Revolution* (London: Bookmarks, 1991), 16.

<sup>33</sup> Manning, 114.



It is not fit for you to trouble yourselves and [MPs] in this [way], because of your different constitution. . . . Your constitution is different from theirs. . . . It is well if you have enough wisdom to steer you right in your private and mechanical affairs, which is your proper station or calling, and you may do well to consider, whether you [should] neglect that business God hath set you about [i.e. common labor], to meddle with that you have no calling unto. But they are stars of a greater magnitude, and therefore may move in a higher sphere, and you may be content to receive their influences. I hope, it is not in you all to challenge so much light unto yourselves, as to judge of laws being made, much less to determine and set down magisterially unto them, what constitutions they are to frame. . . . Let it be your study to live uprightly and honestly in your trades and callings, and to keep yourselves within your limits, and to the conscionable exercise of your proper employments, and not to intrude into what you understand not: if you will needs be active in reformation, let it be in the reformation of yourselves.<sup>34</sup>

The common folk who most disquieted the conservative elite were the Separatists, of which there was an explosion in numbers in 1641. By rejecting the state church altogether and setting up their own congregations with preachers of their own choosing, these renegades were considered by the establishment to have challenged authority as a whole and therefore to have put themselves completely beyond the pale. It was, says Manning, "an act of class defiance."<sup>35</sup> Bishop Hall warned his fellow peers in the House of Lords that "if these men may, with impunity and freedom, thus bear down ecclesiastical authority, it is to be feared they will not rest there, but will be ready to affront civil power too." Similarly, an anti-parliamentarian pamphleteer said of the members of the current "lawless generation" with their "unquiet spirit" and Anabaptist principles that "it is not so much the misrule of episcopacy, that they strike at, they have a quarrel at all rules."<sup>36</sup>

It was this horror on the part of the governing class at the intrusion of common people into what it considered its exclusive business that accounted for the emergence of a "party of order," i.e. a royalist party, in Parliament by 1642. The revolution was raising the people above their proper station, and this was unacceptable. Many staid gentlemen became alienated from the headlong courses of a parliamentary opposition that, even if it did not actually relish them, allowed the tumultuous popular demonstrations and made use of them to put pressure on the king. These men now found themselves drawn back toward the king and episcopacy as the symbols of that orderly government and decorous hierarchy that they valued above all else.

In November 1641 the more radical leaders of the Commons drew up the *Grand Remonstrance*, which described at great length and in profuse detail what they saw as the counter-reformation design of the papists surrounding Charles throughout his reign. It requested of the king that he disempower the bishops

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<sup>34</sup> Manning, 114.

<sup>35</sup> Manning, 100.

<sup>36</sup> Manning, 98-9.

and dismiss his pernicious councillors. The House, however, passed the *Remonstrance* by only a narrow vote of 159 to 148. Apparently many members felt that the opposition had gone too far in its enmity toward the king. The latter in turn recognized that he had a party in Parliament that was sympathetic to him after all. He therefore took courage and resolved to impeach five leading MPs and a Lord for treason. When, however, in January 1642 he audaciously entered the House to arrest the five members in person, he failed to find them there. Having been warned of his intentions, they had already departed and found refuge in the City. Worse still for the king, he was soon thereafter subjected to rough treatment at the hands of the Londoners, coming very close to outright physical abuse. As a result Charles became quite fearful for his and his family's safety, and he left London on 10 January, never to return to the City except to be put to death.

The triumphant parliamentarians now drove through Parliament a Militia Bill (11 March 1642) that gave them control of the armed forces. A major rebellion in Ireland in October 1641 that cost the lives of large numbers of Protestants, and that practically all Englishmen agreed had to be crushed, had made the raising of an effective army imperative. Naturally Parliament felt that under the present circumstances it could not entrust such an army to Charles. When the king refused his assent to the bill, the Commons passed the measure again without it, this time as an ordinance, ignoring the fact that this form of law had hitherto always been, by definition, a *royal* decree. Finally, in June 1642 the Commons presented Charles with the *Nineteen Propositions*, which for all intents and purposes would have formally transferred sovereign power from the king to Parliament. Charles could not accept this invitation to surrender. While the two sides continued uselessly to negotiate with one another, skirmishes between their respective adherents broke out throughout the land, and on 22 August the king raised his standard at Nottingham. The Civil War had begun.

### The Civil War

A detailed description of the course of the Civil War, which did not end until 1646, is beyond the scope of this study. Two aspects of it, however, are crucial to an understanding of the later progress of the revolution. One is the involvement of the Scots. The other is the radical nature of the parliamentary army.

After a year of intense but indecisive fighting, it became apparent to Parliament that it could very well use outside assistance in the prosecution of the war. It therefore decided to induce the Scots to enter the conflict on its side. The Scots agreed to do so—at a price. The price was that the English agree to commit themselves to the establishment in their country of a Presbyterian church order like Scotland's. Some years earlier this proposition might have been entirely welcome to the vast majority of the more advanced English Puritans. But by now a split had developed among them, one side favoring Presbyterianism and the other preferring Independency, i.e. complete autonomy for the various congregations in place of a state church of any kind. In any case, Parliament had no choice but to acquiesce to the Scots' demand; hence the Solemn League and Covenant of September 1643. With the Scots behind them,

the Presbyterian party would for the next few years be a major force in English politics; but, given the division just described, its future was far from secure.

Though like any army the parliamentary army contained a large number of irreligious and/or apolitical conscripts, there is no question that as a whole it was to an uncommon degree religiously zealous and politically conscious. This was especially true of the New Model Army, created by Parliament in February 1645 specifically to get rid of the military's conservative aristocratic officers. Indeed, a large proportion of the troops in the New Model Army were congregationalists and sectarians (e.g. Baptists), the most committed of the Puritans.<sup>37</sup> Lieutenant-general Oliver Cromwell, himself "renowned for his colossal, exuberant religious zeal," is reputed by Richard Baxter to have "had a special care to get religious men into his troop: these men were of greater understanding than common soldiers, and therefore more apprehensive of the importance and consequence of the war; and making not money, but that which they took for the public felicity, to be their end, they were more engaged to be valiant."<sup>38</sup> The soldiers' religious enthusiasm was manifest in the rampaging iconoclasm they engaged in during the conflict. Throughout England they smashed stained-glass windows, destroyed statues of saints, tore up prayer books and surplices, and removed stone altars from churches along with the rails surrounding them.<sup>39</sup>

The New Model Army soon acquired the reputation of being a "praying army." Captain John Hodgson recorded a picturesque but not atypical experience on the eve of the 1650 battle at Dunbar. Ian Gentles relates the incident: "As he [Hodgson] rode through the darkness he passed near a cornet who was praying aloud. Involuntarily Hodgson stopped to listen, finding the man 'exceedingly carried on in the duty. I met with so much God in it, as I was satisfied deliverance was at hand."<sup>40</sup> Many soldiers carried Bibles with them, and they became accustomed to hearing rousing sermons delivered not only by such exemplary army chaplains as William Dell and Hugh Peters, but also, against all tradition, by lay officers and even fellow soldiers. When not fighting or campaigning—and inaction has always taken up most of every army's time—the soldiers occupied themselves in an elaborate program of religious exercises and Bible study devised by their chaplains and officers.<sup>41</sup> Education such as this made the soldiers of the parliamentary army an exceptional group of fighting men. "I remember well," wrote Bishop Burnet, a royalist at the time, "three regiments coming to Aberdeen. There was an order and discipline and a face of gravity and piety among them that amazed all people. Most of them were Independents and Anabaptists. They were all gifted men and preached as they were moved."<sup>42</sup>

To say that the parliamentary army was infused with religious zeal, though accurate, does not adequately convey to a modern audience the depth of its

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<sup>37</sup> Fenner Brockway, *Britain's First Socialists: The Levellers, Agitators and Diggers of the English Revolution* (London: Quartet Books, 1980), 36.

<sup>38</sup> Ian Gentles, *The New Model Army* (Oxford: Blackwell, 1992), 92; Manning, 343.

<sup>39</sup> Manning, 344.

<sup>40</sup> Gentles, 94.

<sup>41</sup> Gentles, 94-6.

<sup>42</sup> H. N. Brailsford, *The Levellers and the English Revolution* (Stanford: Stanford University Press, 1961), 144.

temper. It must yet again be emphasized that religion in this era was the be-all and end-all of most intellectual and political endeavor.<sup>43</sup> The Puritan-led army was in fact the vanguard of the English Revolution, and it would remain so until the Restoration. The officers in particular were highly motivated and politicized men. They saw themselves—rightly—as involved in a world-altering movement. And they were unafraid. Calvinistic Puritanism, says Gentles, "enabled the soldiers to overcome their anxiety about their social origins, and their fear about challenging their anointed king. [It] liberated them psychologically, transformed them into men of iron, [and] endowed them with a holy ruthlessness."<sup>44</sup> The army famously declared in its *Representation* of 14 June 1647 that "We were not a mere mercenary army." Indeed it was not. It was a body of men that during the course of the revolution took upon itself a mission of unprecedented religious and social change, a program that, for its part, Parliament became ever more reluctant to pursue vigorously. This explains why, far from remaining an obedient tool of the legislative body as at the beginning of the war, the army would go on to usurp power during the course of the conflict and then continue to manhandle Parliament long after the nominal consummation of the revolution in 1649.

But the army's radicalism also partly explains the Restoration of 1660. Like the sectaries, the soldiers held religious and social views at variance with most of mainstream English society, especially the traditional governing class. "In social concepts and political awareness," explains Don Wolfe, "the men of the army had leaped ahead of their fellows many decades. In the England of the seventeenth century, they were a[n] . . . anomaly, their antagonism to monarchy incomprehensible, their ideas of a new order strange and remote."<sup>45</sup> By insisting on a particular set of policies—those that they themselves, a small minority, favored, most notably nearly unrestricted religious liberty—rather than instituting a form of government in which all could strive equally to implement the policies of their choice, they eventually alienated the general population, which in the face of the chaos of the Interregnum understandably turned back to the known quantity of the old regime.

## REVOLUTION

The revolutionary period of 1646-9 following the Civil War was one of tremendous turmoil, for there existed numerous contending parties with differing agendas. A majority of the victorious parliamentarians, namely the Presbyterians, backed by most of the political nation, wanted for the sake of

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<sup>43</sup> It is very notable that Isaac Newton, the greatest scientist not only in his own age but arguably in the history of the world, engaged almost as much in scriptural exegesis as in mathematical study. Moreover, this notoriously reclusive scholar first came out of his academic shell to participate—at considerable risk to his academic career—in the Anglican universities' resolute opposition to James II's attempt to impose Catholic administrators on them. Gale E. Christianson, *In the Presence of the Creator: Isaac Newton and His Times* (New York: Free Press, 1984), 321-325.

<sup>44</sup> Gentles, 118-19.

<sup>45</sup> Don Wolfe, *Leveller Manifestoes of the Puritan Revolution* (New York: Humanities Press, 1967), 79.

social and economic normalcy and in order to begin to repair the wrecked country to (1) demobilize the army after first sending a large part of it to Ireland to subjugate that rebellious land, and (2) reach a settlement with the king on relatively lenient terms, since most MPs had fought not to crush Charles utterly but only to reverse his religious policies, eliminate his "evil" advisers, and establish a number of limitations on his power vis-a-vis Parliament. Concretely, the central condition of any rapprochement with the king would be the establishment of Presbyterianism in England. (On the far left back in Elizabeth's time, Presbyterianism had by now come to occupy the right wing of the anti-monarchical section of the political spectrum, due to the remarkable quantum shift in religious ideas that had accompanied the political conflict.)

The Independent leaders in both Parliament and the army, on the other hand, though they were not averse to bargaining with the king, were desirous of (1) seeing him unmistakably subdued, i.e. stripped of his significant prerogative powers, (2) having parliamentary supremacy squarely established, and (3) having religious toleration instituted of a kind far beyond what the Presbyterians countenanced. The Independents did not trust that Charles would honor any post-war agreements if he were allowed to be reinstated in anything like his prior constitutional position; they concluded, therefore, that the constitution had to be revised.

Even further to the left than the Independents were the army's rank and file. They felt that they could not disband or go to Ireland, as Parliament wanted, while the king was still on the loose. Far from negotiating with that worthy or placing him back on the throne under any circumstances, they were more inclined to give him the summary "justice" they felt he fulsomely deserved. Moreover, the soldiers were due a great deal of money in arrears of pay and had as yet obtained no guarantee of legal indemnity regarding whatever illicit conduct they might in the future be alleged to have engaged in during the war. They feared being left in a state of poverty and perpetual persecution by the authorities should they disband precipitately. It was the soldiers and junior officers who most clearly saw that the army's victory over the king was still far from secure. They were a constant, powerful pressure pushing the more accommodating generals (the "Grandees") from below.

At the end of the Civil War the great question of religion was still in contention. Parliament was now largely Presbyterian in outlook, as it had to be in order to honor its alliance with the Scots. The Scottish Presbyterian church, H. N. Brailsford explains, "was before all else a system of discipline. The first duty of its ministers was to watch over the morals of their flock. With the assent of lay elders, they could refuse the sacraments to a sinner or a heretic, impose a public penance on him, excommunicate him and even hand him over to the civil magistrate. They could summon whom they would before them for examination."<sup>46</sup> The English Presbyterians wished to establish just such an all-powerful church in England. (Apparently the bureaucratic strain in Presbyterianism had by now overwhelmed the democratic spirit it possessed in its Elizabethan infancy.) The Independents, on the other hand, were opposed to the idea of a state church—though not to a modicum of regulation of religion—

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<sup>46</sup> Brailsford, 28.

and they favored autonomy for the Puritan congregations and a measure of toleration for heterodox sects such as the Anabaptists, something which the Presbyterians abhorred. Still more extreme were the religious radicals, including those in the army, who demanded absolute liberty of conscience with no governmental regulation of religion at all, in other words a complete separation of church and state. This group was led by the newly emergent Levellers.

When the army made its grievances—which to this point were confined to arrears of pay and legal indemnity—known to Parliament, Denzil Holles at the end of March 1647 infamously branded the soldiers "enemies of the state." The latter responded, under Leveller influence, by greatly expanding the range of their demands. They retorted in their *Representation* of 14 June that they were "not a mere mercenary army" but were engaged in procuring their own and the country's just rights, which included the dissolution of the present Parliament, the establishment of a supreme Commons with regular elections, and liberty of conscience. To make its might and its seriousness of purpose felt more pointedly, the army advanced toward London and compelled Holles and ten other leading Presbyterians to withdraw from the Commons. At about this time a representative Council of the Army was formed, consisting not only of officers but also of "Agitators" representing the soldiers. Needless to say, rank and file soldiers having a significant say in the direction of an army was a new and extraordinary phenomenon, whether in England or any other country.

The following month Henry Ireton drafted his *Heads of the Proposals*, fleshing out the principles outlined in the soldiers' *Representation* and foreshadowing the Levellers' *Agreement of the People*. The army presented the *Heads* to the king in an attempt to come to terms with him, but the effort was futile, for under no circumstances would Charles agree to any such diminution in the monarch's traditional powers and prerogatives as the *Heads* projected. In any event, he was already intriguing with the Scots to renew the war, while an ominous royalist movement was developing in the City.

On 21 July 1647 one hundred thousand men, mainly unemployed soldiers, signed an Engagement to bring back the king. On 26 July a royalist mob invaded the Houses of Parliament and extorted from the members and peers an invitation to Charles to return to London. The Speakers of the two Houses along with a number of Independent parliamentarians thereupon fled to the protection of the army, which was encamped fifty miles away at Bedford. The army then began a march on London. In the meantime the heedless Presbyterian majority in Parliament chose new Speakers and welcomed back the recently ejected Eleven Members. On 7 August the army quickly subdued the City, reinstated the parliamentary Independents, and once more forced the eleven leading Presbyterians to flee, some going to the Continent. The incident resolved the army Agitators to press for a sweeping purge of Parliament, but the relatively conservative General Fairfax, the commander in chief, for the moment refused to authorize such a move. (Fairfax was the nominal head of the army, but Cromwell and Ireton were its effective leaders, especially in political matters.)

Despite the king's continued obduracy and the growing clamor in the country for his return, which of course would have spelled the ruin of the entire opposition, Cromwell and Ireton still persisted in negotiating tenderly with him

rather than employing more forceful methods. Cromwell even went so far as to make a long speech in the Commons on 20 October defending the institution of monarchy. Such attachment to the traditional constitution on the part of the Grandees drew the ire of the radicals in both the army and the Commons. The Leveller-influenced Agitators now presented to Fairfax *The Case of the Armie Truly Stated*, calling for the dissolution of the present Parliament (which was increasingly perceived as useless—to the soldiers in satisfying their material grievances and to the people in relieving their severe distress), biennial elections in the future, the vote for all freeborn Englishmen, religious liberty, and freedom from conscription. Though at first inclined to dismiss such importunities from their subordinates, the officers decided that, for the sake of harmony in the army if nothing else, the soldiers' vehement appeals should receive a hearing. The rank and file's agents and their civilian supporters were therefore invited to a meeting of the General Council at Putney on 28 October 1647. For the next several days the officers and the soldiers' representatives discussed the issues confronting them and hashed out the army's future course of action.

The best known of the celebrated Putney debates concerns the suffrage provision in the *Agreement of the People*, the proposed constitution—similar in essentials to the *Case*—brought in by the Agitators for the Council's consideration. The *Agreement* called for voting according to "the number of inhabitants," implying, as the authors in fact intended, universal manhood suffrage. Ireton immediately objected to this provision. He insisted that, as heretofore, voting should remain a privilege of the propertied classes. In response to the argument by some of his army colleagues that if all Englishmen were not now granted the suffrage they had fought in vain, Ireton accurately pointed out that the Civil War had not been fought for any such ideal as universal suffrage but rather to end absolute monarchy—arbitrary rule by one man—and to institute parliamentary government. Even those who could not vote would then enjoy the many benefits to society of a more rational political order.

[Those who fought] thought it was better to be concluded by the common consent of those that were fixed men, and settled men, that had the interest of this kingdom [in them]. . . . [They fought] that the will of one man should not be a law, but that the law of this kingdom should be by [representatives]. Here was a right that induced men to fight.<sup>47</sup> . . . [F]rom the beginning we . . . engage[d] for the liberty of Parliaments, and that we should be concluded by the laws that such did make. . . . I will not arrogate that I was the first man that put the Army upon the thought either of successive [as opposed to perpetual] Parliaments or more equal Parliaments . . . and that there might be a more equal distribution of elections. . . . [B]ut I can argue this with a clear conscience: that no man hath prosecuted that with more earnestness, and will stand to that interest more than I do. . . . But, notwithstanding, my opinion stands good, that it

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<sup>47</sup> Woodhouse, 72.

[the franchise] ought to be a distribution amongst the fixed and settled people of this nation. It's more prudent and safe.<sup>48</sup>

Though at Putney the Levellers (i.e. those civilians, soldiers, and officers who were broadly in the Leveller camp) defended universal suffrage in several memorable exchanges and noble speeches, they eventually compromised with the mainstream officers and agreed to the vote for all who were not servants or beggars, these persons being deemed to be dependent on the will of others. This final stance, although not ideal, nonetheless represented a many-fold enlargement of the existing electorate.

More central than the franchise question at Putney, however, was the continuing controversy about what to do with the king and the peers. Ireton's *Heads* would have greatly reduced the king's share of power in the constitution, in some governmental domains for ten years and in others permanently, but the *Agreement*, although it did not actually mention king or Lords at all, by implication completely extirpated these offices. And to this the Grandees objected. For, unlike the Levellers, they had not yet come to believe in the necessity of so radical a transformation of the constitution. Cromwell complained that the *Agreement's* proposals involved "very great alterations in the very government of the kingdom. . . . Would it not be utter confusion?" He suggested that constitution-makers should carefully consider what "the spirits and temper of the people of this nation are prepared to receive and go on along with it . . . [since there are] great difficulties . . . very great mountains in the way of this."<sup>49</sup> Cromwell and Ireton in any case felt that a total overthrow of king and Lords would be a dishonorable abrogation of the previous "engagements" of the army, which in effect had promised to retain at least in name the traditional offices of government, however much they might be diminished in real power and superseded by the Commons. (Most crucially king and Lords would be stripped of their "negative voice.")<sup>50</sup>

Although the conservatives were not convinced that the king and the peers had to be completely eliminated, the Army Council toward the end of the debates largely adopted the essence of the Leveller program embodied in the *Agreement*, namely general Commons supremacy but with certain realms, most importantly religion, "reserved" to the people and not to be tampered with by government.<sup>51</sup> Thus the Putney debates had seemingly gone the Levellers' way: the radicals had for the most part won the General Council over to their side. It was decided that a general rendezvous be held; here the *Agreement* would be presented to all the troops for their acclamation as a first step toward its adoption by the entire nation.

But then the atmosphere turned even more acrimonious than before. On 5 November, while Cromwell was away at the House of Commons, Colonel Thomas Rainsborough induced the General Council to send a letter to Parliament opposing any further addresses to the king, a position directly

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<sup>48</sup> Woodhouse, 77.

<sup>49</sup> Brailsford, 271-2; Woodhouse, 7-8.

<sup>50</sup> Brailsford, 272.

<sup>51</sup> Unfortunately only the first three days of the week-and-a-half-long session are well documented. The Levellers' Agreement is more fully discussed in the next section.



contrary to that expressed by Ireton in a speech of his to the House a little over a month before.<sup>52</sup> An angry Ireton stormed out of the meeting. Then John Wildman intemperately demanded that the Grandees be punished for their recent private dealings with the king, who himself should be dispatched forthwith. He suggested to the soldiers that they replace their present commanders with better ones from among themselves. It was even reported that the Agitators were planning a purge of Parliament and the arrest of Cromwell and his cohorts.<sup>53</sup>

In the face of such hostility directed toward himself and Ireton, and seeing that the Grandees were losing control of the General Council, Cromwell decided that he had had enough of soldier participation in that body, and he sent the Agitators back to their regiments. (Soon thereafter soldier representation at the meetings of the Army Council ceased altogether.) The generals then drew up a tamer document, the *Remonstrance*, to be presented to the regiments for their approval in place of the *Agreement*. They also decided to hold three separate rendezvous on three different days instead of a single one as previously planned. The Levellers, says Gentles, had hoped at the one gathering "to be able to orchestrate a mass demonstration in favour of the *Agreement of the People*."<sup>54</sup>

At the first army rendezvous on 15 November at Ware in Hertfordshire some of the soldiers attempted to distribute the *Agreement* among their fellows, but they were immediately stopped from doing so by the officers, who in the process of putting down this "mutiny" executed one of the instigators. The two later rendezvous were uneventful. In the end the soldiers pledged their allegiance to Fairfax and to the moderate program embodied in the *Remonstrance*, which for the benefit of the soldiers consisted of constant pay, security of arrears, indemnity, and provision for maimed soldiers, widows, and orphans; and for the benefit of the kingdom a time limit for the present Parliament, regular and limited future Parliaments, and fairer elections.<sup>55</sup>

While the army struggled to contain its internal squabbles, Charles made the next move, his machinations having finally paid off. During the first half of 1648 the royalists and the Scots combined to make war on the nascent parliamentary regime. After much vicious fighting in this Second Civil War the army again defeated its enemies, yet Parliament promptly resumed its polite negotiations with Charles! If it had been left to the parliamentary majority, the Independent- and sectarian-led army would have been rewarded for its heroic efforts with a Presbyterian church government under a restored Charles.

Ireton now took the lead among the Grandees. He reversed himself and cast his lot with the Levellers, becoming, says Brailsford, "resolutely bent on the King's execution." He concluded that the army must do whatever it takes to prevent a settlement with Charles. He therefore proposed to Fairfax that the army purge the Commons of its obdurate members. But Fairfax was not convinced. Ireton then drew up an obviously Leveller-influenced *Remonstrance* (the titles of documents in this period often repeat) demanding the institution of a supreme, frequently elected Parliament and calling for the trial of the king. He laid this document before the Council of the Army on 10 November 1648, but it

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<sup>52</sup> Brailsford, 289.

<sup>53</sup> Gentles, 217-18.

<sup>54</sup> Gentles, 218-19; Brailsford, 291-2, 302.

<sup>55</sup> Gentles, 223.

did not receive much support. Fairfax declared that he would stand for nothing "tending to overthrow the government of the kingdom," and that he would in fact defend king and Parliament if a treaty between the two were concluded, as was imminent.<sup>56</sup> Cromwell, seeing the manifest folly of proceeding along such a path, now backed Ireton. Would not, he asked, "the whole fruit of the war like to be frustrated, and all most like to turn to what it was and worse" in the event of the signing of such a treaty?<sup>57</sup> All notions of honoring past "engagements" and preserving the old constitution, such as were argued by the Grandees at Putney, were cast aside. The "man of blood" must be permanently stopped.

Finally the army adopted Ireton's *Remonstrance*, dooming the king, and on 20 November presented it to the Commons. The latter postponed consideration of it and finally rejected it.<sup>58</sup> Compounding this affront to the mighty army, the House voted on 5 December that the king's behavior in the latest negotiations were a reasonable ground "to proceed upon for the settlement of the peace of the kingdom."<sup>59</sup> This was the last straw. The army having already occupied London, Pride's Purge took place the next day. By this action the army removed scores of obstreperous MPs from Parliament. Some one hundred members were either arrested or secluded on the first two days of the Purge; hundreds more stayed away.<sup>60</sup> Only ninety of Parliament's original five hundred members were left sitting. For this reason the Purged Parliament was later (starting in 1659) pejoratively called the "Rump" by its detractors. David Underdown's pithy summary of the situation at the end of 1648 is apt: "The Army was in control; Parliament was reduced to submission, London firmly in their grip."<sup>61</sup>

Despite the differences between the Grandees and the Levellers that came to light at Putney, or the violent confrontation thereafter at Ware, the generals did not decisively reject the original *Agreement of the People* in late 1647, as is commonly assumed. Indeed, one manifestation of the Grandees' shift to the left after the Second Civil War (May-October 1648) was their reconsideration of the *Agreement* as the foundation of the impending constitutional settlement.<sup>62</sup> The Whitehall debates on the second version of this document accordingly started on 11 December.<sup>63</sup> This time around there was no dispute regarding the franchise, for the Levellers had modified their position on this issue by ruling out the poor. It was the reserve on religion, with which the Grandees had never been comfortable, that now drew the most if not the only controversy.

While in the modern era it is more or less taken for granted, at least in the West, that the state should not interfere in the religious practices of its citizens, such was not generally the case in the seventeenth century. Hardly anyone

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<sup>56</sup> Brailsford, 359.

<sup>57</sup> Brailsford, 364.

<sup>58</sup> Brailsford, 373.

<sup>59</sup> Brailsford, 374.

<sup>60</sup> David Underdown, *Pride's Purge: Politics in the Puritan Revolution* (London: Oxford University Press, 1971), 152.

<sup>61</sup> Underdown, 163.

<sup>62</sup> Wolfe, 89.

<sup>63</sup> There were three very similar Leveller *Agreements* (3 November 1647, 15 December 1648, 1 May 1649) and an *Officers' Agreement* (20 January 1649) based on the Levellers' second version.

imagined that a hands-off, laissez-faire approach by the state toward religion was desirable or even possible. For the majority of the population in the Reformation period the raging question was not whether the government should or should not promote or regulate religion, but rather what *type* of religion the government should promote. Therefore, for the Levellers to attempt to legislate for all time on the role of the state in religion by precluding its jurisdiction in this area was highly presumptuous. At the Whitehall debates John Goodwin pointed out a paradox: if the Levellers did indeed insert the reserve on religion into the *Agreement*, "then you go against your own principles, [for] you do assume and interpose in matters of religion." He intimated that the issue was one of civil—not natural and inviolable—right, and thereby "fall[s] into those articles which concern the civil [i.e. discretionary] power of the magistrate."<sup>64</sup>

Ireton, who again, as at Putney, was the main spokesman for the more cautious disputants, objected to an absolute restriction on the magistrate's power in the realm of religion on the grounds that there were some people who engaged in socially disruptive activity (e.g. idolatry) under cover of religion, and these individuals had to be kept in check and, if necessary, punished. Citing Scripture, he noted that it had always been the rightful function of the magistrate to restrain sin—if only the sins proscribed by the Ten Commandments. Indeed, it is safe to say that most people in the seventeenth century felt that government needed to regulate religion just as much as any other important sphere of life. Even most Puritans did not countenance so much religious liberty as to allow people to engage in "license" and "heresy" without hindrance. Ireton argued that, since it was intended that the *Agreement* be approved by all the "well-affected" in the recent conflict, it should not contain a clause that so plainly contradicted the sentiments of the majority on such a crucial issue. Backing Ireton on this point, Colonel Whalley put the matter in perspective:

I do perceive in this paper which is prepared for the people to be [adopted] by agreement, there is one article [the reserve on religion] which hath been much spoken of, to the great stumbling of many. It causes a great difference amongst us [i.e. the army]. If so, we cannot but expect that it will cause a greater in the kingdom, and so great as doubtless will occasion a new commotion. Since it is so apparent to us, I must think it were a very necessary question to put: Whether this ought not to be left out of this paper, yea or no? For how can we term that to be an *Agreement of the People* which is neither an agreement of the major part of the people, and truly for anything I can perceive . . . not the major part of the honest party of the kingdom? . . . I should be very unwilling we should force the people to an agreement.<sup>65</sup>

Concurring with Ireton and others, Philip Nye contended that, far from being a sacrosanct realm that must be exempt from government interference, religion *should*—precisely because it is the most weighty of all social issues—be

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<sup>64</sup> Woodhouse, 126.

<sup>65</sup> Woodhouse, 133.

subject to regulation by society. It is, he said (evinced a far better understanding of democracy than the Levellers), a

fundamental principle of a commonwealth, [for the people] to act what they are pleased to act, in [the most important matters as in] the least. . . . And if it lie[s] in the people, then [I would ask] whether it do not lie in the power of the people to consider anything that may tend to the public weal and public good, and make a law for it, or give a power [for it]. Whatsoever a company of people gathered together may judge tending to the public good, or the common weal, they have a liberty [to do] . . . [and] they may put this into the ministerial power, to attend [to] it. Now, sir, suppose this be laid down as another principle, that the things of our God . . . is *that* which is of [greatest] public good and public concernment . . . [even more than] house and food and raiment. Then may not a company conclude together and sit down in a commonwealth to do what may be done in a lawful way for the preserving [of their religion as well as for the] feeding of the[ir] bodies, to their [own] good?<sup>66</sup>

It was finally decided to replace the *Agreement's* reserve on religion with an article empowering the magistrate to see that the "Christian religion [not 'popery or prelacy'] be held forth and recommended, as the public profession in this nation." The government would maintain a ministry out of public funds (not through tithes), not only to instruct the people in positive religion but also to confute "heresy, error, and whatsoever is contrary to sound doctrine." There would be no compulsion to attend the state church; persuasion alone would be employed. All who "profess faith in God by Jesus Christ" would be protected in their religious practice as long as "they abuse not this liberty to the civil injury of others, or to actual disturbance of the public peace."<sup>67</sup>

When the officers' completed *Agreement* was brought to the Commons on 20 January 1649 for the MPs to consider, the members immediately laid it aside and then ignored it completely. And yet the officers, in sharp contrast to their wrath over Parliament's similar treatment of their *Remonstrance* two months before, did nothing about this. Given this behavior on the part of the army leaders, it has been suggested by some historians that in cordially debating the Levellers over the terms of the *Agreement* at Whitehall the Grandees had been deviously mollifying them and keeping them occupied in empty constitutional deliberations while they proceeded onward with their own agenda, which at this point consisted of executing the king.<sup>68</sup> This is not likely. The army leaders had been radicalized by Charles' perfidy in instigating the Second Civil War, and they were now largely in sympathy with the Levellers' point of view on most constitutional questions; at the very least they took the *Agreement* quite seriously. Naturally, however, they were not as passionate about it as the Levellers were: it was not their creation. There are in any case more mundane

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<sup>66</sup> Woodhouse, 159. Here as elsewhere: in order to make sense of the speeches in the debates, Woodhouse had to insert additional words in numerous places in square brackets. I in turn added words in my own editing, though more sparingly.

<sup>67</sup> Wolfe, 348.

<sup>68</sup> E.g. Underdown, 198-9.

explanations for the army's not insisting that Parliament implement the *Agreement* forthwith. Most obviously, everyone was preoccupied with, and entranced by, the trial of the king, which opened on the very same day that the *Agreement* was presented to the Commons. Also, it seems that at this late stage in the revolution the millenarians among the *Agreement's* former adherents, if not most of the revolutionaries as a whole, were looking forward to "the reign of Christ"—i.e. their own political ascendancy—and were no longer much interested in precisely defining, much less restraining, governmental power. In their excitement over the present favorable course of events, the Independents and sectarians became careless about institutional arrangements.<sup>69</sup> Finally, it may be that due to its inherent shortcomings (discussed below) the *Agreement's* plan of government simply was not as attractive to all radicals as has been supposed. Many might not have been convinced that it was the panacea the Levellers felt it was (whether or not they could articulate exactly why).

The trial of the king opened on 20 January before a High Court of Justice specially created by the Commons for the purpose. It proceeded quickly. The charge against Charles was that, whereas he had been "trusted with a limited power to govern by, and according to, the laws of the land, and not otherwise," he had instead engineered "a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will, and to overthrow the rights and liberties of the people." In prosecuting this design he had "traitorously and maliciously levied war against the present parliament and the people therein represented." The court therefore condemned him as a "tyrant, traitor and murderer, and a public enemy to the Commonwealth," and he was duly sentenced to death.<sup>70</sup> Charles was executed on 30 January—the first English king to be *legally* put to death.

The Commons now proceeded to rid itself of its ancient institutional affiliates. On 6 February it abolished the House of Lords, having determined that it was "useless and dangerous." The next day it eliminated the office of king, declaring that "the office of a king in this nation, and to have the power thereof in any single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people of this nation; and therefore ought to be abolished."<sup>71</sup> The Commons also created a Council of State as the chief executive body. Disregarding for the moment 1688 (discussed in the next chapter), these actions completed one of the most important revolutions in human history, and arguably the most important of all for our own time. For the English Revolution effected the transition from one basic form of government to another: it ended monarchy and ushered in oligarchy, the latter being the form of government that the English-speaking world has been living under ever since.

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<sup>69</sup> Gentles, 293-4.

<sup>70</sup> Gardiner, 282, 288.

<sup>71</sup> Underdown, 202.

## THE LEVELLERS

The Leveller program

The Levellers were a party that came into existence in 1647, in the midst of the post-war turmoil. They were led by the triumvirate—all minor gentry—of John Lilburne, Thomas Overton, and William Walwyn, each of whom, individually, had begun to write pamphlets a year or two before they joined forces. A fourth notable Leveller leader was John Wildman, a principal organizer of the army radicals. Most of the leaders and many others in the Leveller party were of sectarian, specifically Anabaptist, background. In fact Lilburne, Overton, and Walwyn were in their first years of activism concerned exclusively with religious issues such as toleration. The Anabaptists rejected not only episcopacy but any state church, including a Presbyterian one. They preferred an ecclesiastical arrangement of independent, non-hierarchical congregations composed of equal members. Theologically, they discarded the Calvinist doctrine of predestination. They believed instead in the egalitarian principle that salvation was open to all men and women. They were thus on the outer left fringe of the Protestant faith.

On the matter of liberty of conscience the Levellers were uncompromising. They were among the first Europeans to demand the total separation of church and state and complete liberty of conscience for all people. Richard Baxter observed of the heretical New Model Army soldiers that, having inculcated Leveller teachings from the numerous inflammatory pamphlets distributed among their ranks, "their most frequent and vehement disputes were for liberty of conscience, as they called it; that is, that the civil magistrate had nothing to do to determine of anything in matters of religion by constraint or restraint, but every man might not only hold, but preach and do, in matters of religion, what he pleased."<sup>72</sup> Walwyn in particular was very eloquent in arguing for toleration. "The more horrid and blasphemous" an opinion supposedly is, he contended in his *Toleration Justified and Persecution Condemned* (January 1646), the more easily it is trumped by superior argument and presentation of fact. Compulsion and punishment, on the other hand, are never under any circumstances either appropriate or effective means to correct people's erroneous views. "Nothing," he said, "can do that but the efficacy and convincing power of sound reason and argument."<sup>73</sup>

In his earlier *The Power of Love* (1643), Walwyn had declared that true religion was about doing good; it was, as Perez Zagorin puts it for him, "love manifested in action."<sup>74</sup> This included freeing society from tyrants. Walwyn, in other words, was a believer in practical Christianity, what today is called liberation theology. True Christians should help to relieve the poverty, misery, and oppression experienced by the common people, "all which," he wrote, "are

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<sup>72</sup> Brailsford, 150.

<sup>73</sup> Andrew Sharp, *The English Levellers* (Cambridge: Cambridge University Press, 1998), 20.

<sup>74</sup> Zagorin, 25.

works so fully and plainly set forth in Scripture, as most pleasing to God."<sup>75</sup> Walwyn conversely impugned the "gluttony," "pride," and "wickedness" of the members of his own social class, who instead of doing good pursued "riches and estates, and the things of this world." The ministers of religion were no less culpable than others, for in pursuing their own selfish interests—"great Livings, Lordships, Territories and Dominions"—they had "in process of time . . . confounded . . . the clear streams of the Scripture, and perverted the true Gospel of Jesus Christ. . . . They then began to scorn the simplicity and meanness of the Apostles."<sup>76</sup>

The Levellers' active Christianity led them to become social activists. They saw the progressive forces' victory in the recent war as a grand opportunity to redress all manner of social and economic, not just religious and constitutional, grievances.<sup>77</sup> Their deep and genuine concern for the plight of the common people, and their outrage and revulsion at the post-war poverty and distress they saw all around them, made them unique among the parties of the Left. Although the mainstream Puritans and the army leaders were not uninterested in social issues, their primary aim had been the completion of the Protestant Reformation, largely achieved by 1646—i.e. the overturning of proto-Catholic Laudianism, the elimination of the prayer book, and the abolition of episcopacy. The Levellers of course shared these religious goals. But they went much further, into territory their allies would not enter, at least not enthusiastically. A typical Leveller indictment of their fellow elites is that in their *Remonstrance of Many Thousand Citizens* (July 1646):

Ye are rich and abound in goods and have need of nothing; but the afflictions of the poor—your hunger-starved brethren—ye have no compassion of. Your zeal makes a noise as far as [Algiers] to deliver those captive Christians [merchants captured by pirates] at the charge of others, but those whom your own unjust laws hold captive in your own prisons—these are too near you to think of. Nay, ye suffer poor Christians, for whom Christ died, to kneel before you in the streets—aged, sick, and crippled—begging your half-penny charities, and ye rustle by them in your coaches and silks daily, without regard or taking any course for their constant relief. Their sight would melt the heart of any Christian and yet it moves not you nor your clergy.<sup>78</sup>

In their pamphlets and petitions the Levellers endlessly denounced such things as tithes, monopolies, and the regressive excise tax, all of which were much more burdensome to the lower and middling classes than to the wealthy. They proposed the complete reform of the ridiculously arcane and complex law code, the abolition of imprisonment for debt, the creation of jobs for the unemployed, the establishment of free schools throughout the country, organized health care for the poor and aged, and the restoration of formerly

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<sup>75</sup> Wilhelm Schenk, *The Concern for Social Justice in the Puritan Revolution* (London: Longmans, Green and Co., 1948), 47.

<sup>76</sup> Schenk, 51-2.

<sup>77</sup> Zagorin, 6-7.

<sup>78</sup> Sharp, 47.

common lands, now enclosed, whose use was vital to the well-being of humble cottagers. And they demanded respect for the citizens' right to petition in general, something that Parliament was constantly violating by imprisoning petitioners and even publicly burning their petitions.

When the Levellers turned from inveighing against particular afflictions to investigating the root cause of the people's and the kingdom's condition, they came to the conclusion that it was the very political system of the country that was the problem; and this system, they felt, was the product of the "Norman yoke"—the virtual enslavement of the English people by the Norman invaders in 1066. The Norman yoke theory was not an original creation of the Levellers; it appears in skeletal form in a number of contemporary histories and political commentaries. The Levellers, however, did more than anyone else to popularize it and amplify it into a powerful, large-view explanation of the nation's class-ridden condition.

The emergence of the Norman yoke idea in the popular consciousness was one of the most important ideological developments of the period. Many modern historians, even those sympathetic to the Levellers, blithely and condescendingly call it a "myth." In fact, as we saw in a previous chapter of this study, in its essentials the thesis of Norman oppression was no myth at all. The 1640s radicals no doubt introduced some distortions, especially (1) their groundless claim that native English society before the Conquest was one of pristine freedom, and (2) their false belief in a radical distinction between native Commons and alien Lords. But there is no question that, almost from the moment William and his lieutenants landed on the island's shores, they elevated themselves to a super-wealthy, hegemonic ruling class such as England had never known before. The overbearing monarchy of Charles I was indeed the lineal descendant of the first Norman kings.

The English [says Manning, summarizing the theory and quoting the Levellers] were a conquered people who had been deprived of their rights and liberties by the Norman Conquest. . . . The titles, lands and powers of the nobility were . . . the rewards that the Conqueror had given to his fellow "robbers, rogues, and thieves" for "helping him to enslave and envassalize the people." William stole the land from the people to give to his companions. . . . "And the poor Englishmen having all their livelihoods taken from them, became slaves and vassals unto those lords to whom the possessions were given." . . . Thus the Conquest explained how it was that the lords had vast estates, and a few men owned much of the land, and most of the people were tenants under them. Landlords and the whole system of land tenure, with its entry fines, rents and other obligations, were the result of the Conquest. . . . "Our case is to be considered thus [declared a radical at Putney], that we have been under slavery"; "the commons of England were overpowered by the Lords," who "made us their vassals"; "we are now engaged for our freedom."<sup>79</sup>

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<sup>79</sup> Manning, 360-62.



The Levellers therefore saw the solution to the country's manifold troubles as the overturning of this kingly and lordly oppression, i.e. a constitutional transformation. Concomitantly, they believed strongly in what they called the sovereignty of the people, a sovereignty to be exercised through parliamentary representatives. In the very title of their *Remonstrance* of July 1646 they claim that the people are the Commons' "sovereign lord, from whom their power and strength is derived, and by whom it is continued."<sup>80</sup> Since the Commons is the only institution in the current form of government whose members are chosen by the people, it is the only legitimate national authority. The Levellers were thus employing perfect logic when they called for the elimination of the monarchy and the Lords—the first Englishmen ever to do so.

We do expect [they tell the Commons in their *Remonstrance*] that ye . . . show the intolerable inconveniences of having a kingly government from the constant evil practices of [the kings] of this nation . . . [and] acquit us of so great a charge and trouble forever . . . and until this be done we shall not think ourselves well dealt [with] in this original of all oppressions—to wit kings. Ye must also deal better with us concerning the Lords than you have done. Ye only are chosen by us the people; and therefore in you only is the power of binding the whole nation by making, altering, or abolishing of laws. . . . [The Lords are] but as intruders . . . thrust upon us by kings. . . . We desire you to free us from . . . their negative voices, or else tell us that it is reasonable we should be slaves.<sup>81</sup>

The constitution the Levellers advocated is adumbrated in several of their pamphlets, but it is most directly and concisely presented in their *Agreement of the People*, the last version of which, issued on 1 May 1649, may be taken as the most definitive. Its major provisions are shown here in outline form.<sup>82</sup>

#### Central Government

Legislature: a "Representative of the People" of 400 members elected annually; the current Parliament to be dissolved by August 1649

No member eligible for immediate re-election

Electorate: men twenty-one years of age and older, excluding (1) servants, (2) those receiving alms, (3) former royalists (disqualified for ten years); no property qualifications

Executive function between Representatives (i.e. between sessions of Parliament) is by a committee of its own members; there is no separate Council of State

Authorized powers: (1) conservation of peace and foreign commerce, (2) preservation of public security (persons and property), (3) raising of money, (4) redress of grievances

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<sup>80</sup> Sharp, 33.

<sup>81</sup> Sharp, 36-38.

<sup>82</sup> Sharp, 168-178.

Reserves ("We do not empower or entrust our Representatives to . . .")

No involvement in religion  
 No impressment into the military  
 No laws in any language other than English  
 No hindrance to freedom of trade  
 No excise; only a wealth tax  
 No imprisonment for debt  
 No capital punishment except for murder  
 No tithes  
 No trials but by twelve men of the neighbourhood chosen by the people  
 No public officers to be imposed on the localities; these are to be elected annually by the people

It can be seen that the Leveller constitution sets up what is at heart a rather simple representative government, so much so that it uses the term "Representative" for the legislature in place of the traditional "Parliament." The most conspicuous difference between this scheme and the previous English constitution is of course the elimination of king and Lords. The Commons is now not only the supreme branch of government but the only one, apparently combining legislative and executive functions; and it is chosen by a vastly larger electorate. The second notable feature of this constitution is the high frequency of elections (annual). Third, there is now a list of matters that the government is ostensibly barred from legislating upon (it is apparent that some of these supposed prohibitions actually embody positive programs, but couched in negative terms). The most important of these "reserves" is that on religion: the government shall have no power to compel or prohibit religious practice of any sort.

The structural provision most clearly conducive to making Parliament accountable to the people, which was the Levellers' express intent in drawing up the *Agreement*, is yearly elections. The people, they explained, could thereby "renew and inquire once a year after the behaviour and carriage of those they have chosen." Furthermore, "If never such base men be chosen, if we have a fresh parliament every year . . . it will be as a rod kept over their heads to awe them, that they shall not dare to do the kingdom one thousand[th] part of that injustice that this parliament hath done, for fear [that in] the next parliament they shall be questioned, and then lose their heads or estates."<sup>83</sup> Also notable in this regard is the stipulation that members cannot stand for election two years in a row. (Presumably, however, there is no limit on the total number of terms they can serve.) The discontinuity in officeholding, it was thought, would reduce the members' opportunity to amass and exercise arbitrary power.

Like many a modern constitution, the Leveller *Agreement* not only erected institutions of government but also laid down the law on a number of substantive issues, through the aforementioned reserves. To understand the importance the Levellers attached to these reserves—essentially a bill of

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<sup>83</sup> *A Remonstrance of Many Thousand Citizens; The Resolved Man's Resolution*, in Manning, 404.

rights—it must be remembered that their leaders' original quarrel was not with the monarchy as such but rather with the state church and its formalistic religion. More than anything else, the Levellers were concerned to (1) establish absolute freedom of religion (or liberty of conscience), and (2) relieve the burdens of the people in the spirit of humanitarian Christianity. This latter goal, it turns out, would entail a bevy of social legislation if it were ever to be achieved.



As we saw above, the army leaders finally accepted much of the Leveller program, even to the point of issuing an *Agreement* of their own that differed in its structural provisions only slightly from that of the Levellers. And the Purged Parliament did in fact do away with king and Lords. So in the first months of 1649 the Levellers, feeling vindicated and expecting that the rest of their program would in due time be carried out, by and large retired from the scene. However, it soon became clear that Parliament was not about to dissolve itself; neither would it speedily enact any substantial socioeconomic reforms. And the army would not force it to do so, at least not to the Levellers' satisfaction. The latter therefore felt betrayed, and they lashed out anew at Parliament and the army. Their primary demand now became the restitution of the General Council of the Army of 1647, in which the soldiers had been represented. This, they felt, was the only way they would be able to restore their former influence among the ranks and have any hope of seeing the *Agreement* fully implemented. Unable to make any headway on this score, they called upon the soldiers to rebel against their officers. Some of the soldiers did mutiny in May 1649, partly, no doubt, in response to the Levellers' incitement, but, more obviously, because they did not wish to go fight in Ireland as they were now commanded to do, and because they still had not been paid their arrears. This weak (though not insignificant) mutiny, however, was easily put down. The army leaders pointed out to the captured mutineers, not without justice, that by eliminating king and Lords they had already made great strides in realizing the radical agenda. Their promises of further progress, including the summoning of a new Parliament, evidently did not sound unrealistic to the chastened and now obedient soldiers.

In September (in the *Remonstrance of Many Thousands of the Free People of England*) the Levellers made a last, desperate appeal to Englishmen to rebel against the new regime. But the people refused to heed the call to arms. They were more inclined to give the republican government a chance to govern than to fight it. In any event, by the end of 1649 the Scots, who were not nearly as republican in sentiment as the English revolutionary leaders had become in the last couple of years, were seriously threatening to invade the country in coordination with a resurgent English royalism. They were incensed at the *unilateral* execution of the Anglo-Scottish king and upset at the failure of the English to erect a true Presbyterian church polity as they had sworn to do. Given the Scottish menace, it was widely felt in England that this was no time for malcontents to make waves.

The Leveller party, due to a combination of intensified government repression (its leaders were again imprisoned), internal loss of purpose and drive, and lack of widespread support among the populace, fell into a terminal

decline. A number of authors have concluded that rather than being defeated the Levellers simply faded away.<sup>84</sup> "After Worcester [the final victory of the new regime over the Scots in September 1650]," says Brailsford, "a grateful people would not have tolerated a revival of the opposition to Cromwell on the old lines."<sup>85</sup>

The most spectacular example of the loss of support suffered by the Levellers during 1649 was their rejection by many of the leaders of the Baptist and Independent congregations, i.e. their spiritual kinsmen. This was signalled in a pamphlet, *Walwyn's Wiles* (April 1649), signed by seven ministers. These divines expressed grievous offense at the Levellers' incessant attacks on the army, on Parliament, and on the Ireland project. They were especially appalled by Walwyn's populist views, and they rejected his call for a more egalitarian social order. Incredibly, these men—who were among the most enlightened of their day—held it against Walwyn that he was more interested in doing practical good than in upholding standard forms of religious practice, however vacuous these might be. They accused him of a number of blasphemies:

[S]peaking and discoursing of prayer, (said he) What a silly thing it is for a man to drop down upon his knees, and hold up his hands, and lift up his eyes, and mumble over a few words for half an hour, or an hour together, as if this did please God, when all this while he might have been doing that which is good in itself, relieving the poor and oppressed; there is no other religion [he says] but that which the [Apostles speak] of, consisting in relieving the poor, judging the cause of the fatherless and widow[ed], etc. Again, speaking of keeping Sundays as we do, [he] urged, that it was better on such days to meet together, and spend our time in considering what is good for the Commonwealth, read some good moral things, as Plutarch's *Morals*, or Cicero's *Orations*, than reading the Scriptures, and hearing sermons, glorying much of the notable witty things in these moral writers, and of the manner of their governing of states.<sup>86</sup>

In general the ministers resented the Levellers' and particularly Walwyn's complaints about the lack of sympathy among those in high society for the plight of the poor and the disadvantaged, in other words about the selfishness of the elite—a phenomenon they did not deny.

[H]e insists upon the unworthiness of our times, in making riches, and estates, and the things of this world, the great badge of distinction between man and man. . . . [H]e is very frequent and diligent, in fomenting the consideration of the disproportion and inequality of the distribution of the things of this life. What an inequitable thing it is [he says] for one man to have thousands, and another want bread, and that the pleasure of God is, that all men should have enough, and not that one man should abound in this world's good, spending it upon his lusts, and another man of far better

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<sup>84</sup> Brockway, 112.

<sup>85</sup> Brailsford, 607.

<sup>86</sup> William Haller and Godfrey Davies, *The Leveller Tracts, 1647-1653* (Gloucester, Mass.: Peter Smith, 1964), 297.

deserts, not to be worth two pence, and that it is no such difficulty as men make it [out] to be, to alter the course of the world in this thing [if people put their minds to it].<sup>87</sup>

What is most amazing about these remarks is that they show that the ministers understood perfectly well the Levellers' progressive positions, but they rejected them anyhow, apparently believing that they were hopelessly utopian, and evidently satisfied with what progress the revolutionary regime had thus far made.

The ministers had had it with the Levellers' "peremptory," "commanding" petitions with their "exasperating, irritating, and irascifying spirit."<sup>88</sup> They chided them that whereas they demanded of Parliament that it deliver the people "from all kind of temporal grievances and oppressions" and make them "the most absolute free people in the world," neither they nor anyone else could "upon any rational . . . ground, expect a complete, full, absolute, and perfect freedom from all kind of pressures and grievances in the land," since this world is not heaven.<sup>89</sup> They rebuked the Levellers for their "unworthy censures" of the valiant Parliament and for intending to leave it with "nothing but the bare empty title of a magistrate without power."<sup>90</sup> After all, even revolutionaries are only human. "[W]ill you give no allowance for flesh and blood? Doubtless, these men of your anger have their spots, for they are but men; but have not you yours?"<sup>91</sup> The Levellers' harangues did nothing but "kindle flames, distempers, divisions, jealousies, and discontents amongst all sorts whatsoever."<sup>92</sup> In short, the Levellers' design must be nothing less than "the utter ruin and destruction of the successful and faithful instruments of deliverance and safety to the nation [i.e. Parliament and the army]," which deserved at least as much thanks for their accomplishments as castigation for their failings.<sup>93</sup>

William Haller summarizes the ministers' thinking well: "Safe at last from both prelatial and Presbyterian interference, the saints wished above all things to settle down in the Zion that Cromwell's sword had provided and to contend no longer for aims that went beyond the aspirations of godliness."<sup>94</sup> Given the modesty of the ambitions of so many of the revolution's supporters, the importance of the government's quick success in winning a state of widespread religious toleration can hardly be overestimated. It was this more than anything else that gained for it the deep gratitude of those who from the beginning had wished for nothing so much as the freedom to practice their Protestantism as they desired.

The Levellers are deemed by most historians to have failed in their "revolution within the revolution." A number of reasons are adduced: (1) The

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<sup>87</sup> Haller and Davies, 300-301.

<sup>88</sup> Haller and Davies, 308, 309.

<sup>89</sup> Petition of March 1647, in Wolfe, 138; *Remonstrance of Many Thousand Citizens* (7 July 1646), in Sharp, 35; Haller and Davies, 312.

<sup>90</sup> Haller and Davies, 308, 309.

<sup>91</sup> Haller and Davies, 312.

<sup>92</sup> Haller and Davies, 309.

<sup>93</sup> Haller and Davies, 309-10.

<sup>94</sup> Haller and Davies, 21.

party was highly dependent on the support of the army and the gathered churches, so when these allies abandoned it, it was left hopelessly isolated. In other words, although it had an organization of its own, the Leveller party was not, by itself, large enough or strong enough to be an overwhelming force.<sup>95</sup> (2) The party was for the most part limited to the London area; it failed to achieve national standing.<sup>96</sup> (3) As a mainly urban phenomenon the party failed utterly in attracting or even seriously attempting to attract the support of the peasantry, which was by far the largest sector of the population. The Levellers' concern for peasant issues such as enclosures and the security of tenures was minimal at best.<sup>97</sup> This was especially regrettable since the peasants were ripe for organizing. "By impulse," says Brailsford, "without national leaders or the clarion of propaganda, the peasants all the way from Cornwall to Durham took up such arms as they possessed, each village at its own moment, without concert, to level the hedges and fences [of enclosures] in the early years of the Civil War. Roused and led by a party which understood organisation, their numbers and the intensity of their feelings would have counted for something in a revolutionary struggle."<sup>98</sup>

#### Natural law and "reserves"

Compared to such organizational and tactical failings as those listed above, shortcomings in Leveller ideology are less well recognized by left-leaning historians. Lilburne and Overton were in fact exceedingly doctrinaire. They seem to have thought that the mere pronouncement of metaphysical principles made them social facts. This is most evident in their statements on the topics of natural right and the social compact. Lilburne, for instance, declaimed in *The Free Man's Freedom Vindicated* (June 1646) that

[All men and women] that ever breathed in the world since [Adam and Eve] are . . . by nature all equal and alike in power, dignity, authority and majesty, none of them having (by nature) any authority, dominion or magisterial power, one over . . . another. Neither have they or can they exercise any, but merely by institution or donation, that is to say . . . by mutual consent and agreement for the good . . . and comfort each of other and not for the . . . hurt or damage of any; it being unnatural, irrational . . . sinful, wicked and unjust, for any man or men whatsoever, to part with so much of their power as shall enable any of their Parliament men, commissioners, trustees, deputies, viceroys, ministers, officers and servants to destroy and undo them therewith. And unnatural, irrational . . . devilish and tyrannical it is, for any man whatsoever . . . to . . . assume unto himself a power . . . to rule, govern, or reign over any sort of men in the world without their free consent.<sup>99</sup>

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<sup>95</sup> F. D. Dow, *Radicalism in the English Revolution, 1640-1660* (Oxford: Basil Blackwell, 1985), 51.

<sup>96</sup> Dow, 32.

<sup>97</sup> Zagorin, 40.

<sup>98</sup> Brailsford, 450.

<sup>99</sup> Brailsford, 119.

If this were really the case—if such evils were in fact "unnatural" and "irrational" in the real world—then presumably the entire history of inequitable human relations since the dawn of civilization should never have occurred at all. Overton, for his part, writes bombastically in *An Arrow against all Tyrants* (12 October 1646), that

To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one . . . has [in himself] a self-propriety . . . and of this no second may presume to deprive any of without manifest violation and affront to the very principles of nature and of the rules of equity and justice between man and man. . . . No man has power over my rights and liberties, and I over no man's. . . . For by natural birth all men are equally and alike born to like propriety, liberty and freedom.

. . .  
And from this fountain or root all just human powers take their original . . . as from the represented to the representers. For originally God has implanted them in the [individual] creature . . . whereof no second may partake but by deputation, commission, and free consent. . . .

And thus sir [the letter is addressed to Henry Marten, MP] and no otherwise are you instated into your sovereign capacity for the free people of this nation. For their better [welfare] and safety have each of them communicated so much unto you (their chosen ones) of their natural rights and powers, that you might thereby become their absolute commissioners and lawful deputies. But no more. . . .

It is in vain for you to think you have power over us to save us or destroy us at your pleasure, to do with us as you list . . . for the safety of the people is the sovereign law [*salus populi suprema lex*], to which all must become subject, and for the which all powers human are ordained . . . for tyranny, oppression and cruelty . . . [are] unnatural, illegal, yea absolutely anti-magisterial.<sup>100</sup>

In *An Appeale from the Degenerate Representative Body . . . to the Body Represented* (July 1647) Overton further states that "tyrants and oppressors cannot be the representers of the freemen of England, for freedom and tyranny are contraries."<sup>101</sup> Therefore "All betruſted powers if forfeit, fall [back] into the hands of the betrusters."<sup>102</sup>

Such utterances may sound reasonable, even majestic, to philosophers and idealists, but in reality they are utterly fanciful. Since when is oppression "unnatural"? It is no less natural than benevolence, and at least as common. Since when is power measured and dispensed to individuals as by a server at a cosmic cafeteria line, or denied by mere declarations, or conferred or forfeited as by the ruling of a judge in a courtroom? Since when do officeholders step down the minute they are found to be "tyrants" or "oppressors" by their constituents?

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<sup>100</sup> Sharp, 55-7.

<sup>101</sup> Wolfe, 169.

<sup>102</sup> Wolfe, 162.

These ways of thinking and speaking were the trademarks of a new (or newly popular) ideological framework of which the Levellers were leading proponents—that of natural law. Natural law theory when it emerged was like a new religion, with the new deity being, collectively, the supposedly universal principles of reason.

It need hardly be observed that most people in any age would agree that tyrants, i.e. persons who rule cruelly and in opposition to the wishes of the public, *should* not be suffered to occupy positions of authority. But whether or not they *do*, and are allowed to, is a matter of the nature of the concrete institutions of government established by human beings. Who rules is about what persons or sectors of the population are made the sovereign rulers by the mechanisms of the constitution, not about discovering and enunciating the precepts of "reason."

Overton claims in *An Appeale* that it is "right reason . . . which gives an equitable authority . . . to all just laws . . . and forms of government whatsoever, for reason is their very life and spirit, whereby they are all made lawful and warrantable. . . . Nothing which is against reason is lawful."<sup>103</sup> He constantly talks about "just rights and freedoms," as if they are self-evident, and as if merely to state them is to assure them. In fact, under the rubric of "natural law" one can claim just about anything. More down-to-earth men like Ireton were justly skeptical of the Levellers' claims regarding law and justice. At Putney Ireton proffered, more realistically albeit in defense of property, a human rather than a metaphysical conception of justice, one based on mutual agreement. He prefers *positive*—i.e. man-made—law to so-called natural law.<sup>104</sup>

[W]hen we talk of just, it is not so much of what is sinful before God . . . but . . . of that which is just according to the foundation of justice between man and man. . . . There is no other foundation of right I know, of . . . justice or . . . righteousness . . . [than] that we should keep covenant one with another. . . . Take away that [and] I do not know what ground there is of anything you can call any man's right. I would very fain know what you gentlemen, or any other, do account the right you have to anything in England—anything of estate, land or goods. . . . What right hath any man to anything if you lay not [down] that principle, that we are to keep covenant? If you will resort only to the Law of Nature, by the Law of Nature you have no more right to this land, or anything else, than I have. . . . But here comes the foundation of all right that I understand to be betwixt men, as to the enjoying of one thing or not enjoying of it: we are under a contract, we are under an agreement, and that agreement is [that a man can legitimately own] land that he hath received . . . from his ancestors, which according to the law does fall upon him to be his right. . . . [Private property is created when men are] in covenant . . . to live together in peace one with another, and not to meddle with that which another is possessed of, but that each of us should enjoy, and make use of, and dispose of, that which by the course of law is in his possession, and

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<sup>103</sup> Wolfe, 158, 159.

<sup>104</sup> Brailsford, 281.



[another] shall not by violence take it away from him. This is the foundation of all the right any man has to anything. . . . This is the general thing: that we must keep covenant one with another when we have contracted one with another. . . . And therefore when I hear men speak of laying aside all engagements to [consider only] that wild or vast notion of what in every man's [individual] conception is just or unjust, I am afraid and do tremble at the boundless and endless consequences of it. . . . There is a great deal of equivocation [i.e. uncertainty as to] what is just and unjust [in the *Agreement*].<sup>105</sup>

A little later in the debates Ireton complains that the Levellers "think that their own *Agreement* is so clear, so infallibly just and right, that whosoever goes about to take it from them, or whoever does not agree to it, is [doing] a thing unlawful. I do think those gentlemen have not so much ground of confidence to each part of that *Agreement* as it lies there. But [it is worthwhile debating it]."<sup>106</sup> And at the Whitehall debates, after hearing Overton claim absolute sanctity for liberty of conscience—it is, he said, "preferred by us before life"—Ireton observes, clearly referring to the Levellers, that "from the convincing of one another with light and reason we are fallen to an eager catching at that which is our own opinion, and dictating that which is our [own] apprehension, as if it were the mind of all, and indeed of God himself, and studying to preclude one another by consequence."<sup>107</sup>

The problem of "natural" law versus human law becomes critical when one comes to the question of democracy, for democracy does not recognize any basis for decision-making other than human will. Otherwise an individual or a minority can, like Plato's philosopher-king or a Leninist "vanguard," overrule the majority by claiming that they have access to the transcendent truth. The Leveller leaders' natural law notions were clearly akin to Platonic objectivism, and, as shown earlier, when carried to their logical conclusion in the political sphere such conceptions are ultimately antidemocratic: the rulers should be those who know what's best. But, unlike Plato, Lilburne and Overton were not particularly rigorous thinkers. Instead of trying to make themselves dictators, as they logically should have done if they were indeed privy to the "principles of nature and the rules of equity and justice between man and man," they advocated the sovereignty of the people—but *through Parliament*.

As constitution-makers the Levellers were certainly aware of the importance of governmental structures, but their understanding of what might be called the dynamics of power was seriously flawed. Even before Charles had been done away with they were dictating to Parliament what it should and should not do. They failed to see that, just as the problem with the monarchy had been monarchy as such, not Charles in particular or his specific actions, the problem now with Parliament was not *this* Parliament or its behavior, but Parliament *as an institution*. The Levellers wanted an all-powerful, Commons-only Parliament, but then, when such an entity came into being, they complained

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<sup>105</sup> Woodhouse, 26.

<sup>106</sup> Woodhouse, 34.

<sup>107</sup> Woodhouse, 139, 142.

about how it used its power. They seemed to want to micromanage the government, failing to consider that if they were dissatisfied with Parliament it might be necessary to develop a completely different kind of power structure.

The inadequate solution the Levellers came up with to the problem of a potentially tyrannical Parliament was limitations on its jurisdiction, which, as we have seen, they built into their *Agreement of the People* as "reserves." Regarding these reserves (among which, it should always be kept in mind, religion was primary), Wildman at the Whitehall debates explains that the question is

what power the people will agree to give to the magistrates that they will set over them to be their governors. Now the great misery of our nation hath been the magistrates' trust not being known. We being about settling the supreme power, I think it is [necessary] clearly to declare what this power is; and therefore I think the question will be: whether we shall entrust the magistrate [with power] in matter of religion or not. . . . Then the question must be thus: whether it be [not] necessary, after we have had a war for the power, to show what power we do give them, and what not . . . [and] clearly to determine in this constitution [what those powers are].<sup>108</sup>

Ireton responds directly to Wildman's assertion, correctly arguing that the issue in the ongoing constitutional conflict is not what powers government has but who possesses power in government. "If the meaning of this be that [the war] hath been for want of knowing what power magistracy hath had, I must needs say that it hath been a clear mistake, [to say] that this was the ground of the wars." Rather the purpose of the opposition party in the wars has been

to commit the trust to persons for the preserving of peace in such a way as may be most suitable in civil society. [These are persons] that are most probable and hopeful for [preserving] liberty, and not [likely] to make us slaves . . . [and] most hopeful to provide for the prosperity and flourishing of the nation. . . . [T]hat which hath occasioned the war in this nation is not the not knowing what the limitations [of that power] are, or of what [nature] is the supreme trust, but [only] that we have not known in what persons, or what parties . . . [king or Parliament] the trust hath lain.<sup>109</sup>

Ireton thus argues that "when the persons [who are to hold power] are elected and instituted, what is their duty in point of those things of religion whereof they are to judge . . . [is] not to be determined by those that commit the trust to them." "[L]et us submit ourselves," he urges, "to these future Representatives, and if we be not satisfied in one Representative, it may be [that we shall be] satisfied in the next."<sup>110</sup> Ireton of course has no problem with elite rule. He is quite comfortable with parliamentary supremacy. The Levellers, on

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<sup>108</sup> Woodhouse, 128.

<sup>109</sup> Woodhouse, 130-31.

<sup>110</sup> Woodhouse, 132-3.

the other hand, espoused popular sovereignty, but they had a faulty understanding of what this would entail. The reserves were not the answer.

### Representation

The Levellers were familiar with an intimate sort of representation from their experiences in the gathered churches, the army, and their own organization.<sup>111</sup> In these subsets of society, as in any relatively small, homogeneous group or organization, it is possible for representation to work tolerably well. Congregations were very small units of like-minded people who chose to associate with one another on the basis of their shared beliefs. The interests of soldiers qua soldiers (e.g. pay) were normally simple enough and uniformly enough felt to be effectively expressed by delegates such as the Agitators. And among the few thousand committed members of the Leveller organization itself there was probably a fair degree of unanimity concerning the core views expressed by the leaders.<sup>112</sup>

But "representation" in a large and necessarily diverse society is a different thing altogether. Even under optimal conditions of peace and material comfort, and with an unrestricted franchise, political officeholders cannot "represent" their constituents if this means that they actually legislate as the people would themselves legislate if the latter could assemble for the purpose. An elected official has his or her own individual interests, many of them quite personal (first and foremost to gain and retain office at almost any price). Beyond himself he at best "represents" only the interests of persons very much like himself, e.g. those of his social class, or the interests of those on whom he depends for his position and livelihood. This second group includes not only voters but, more immediately and crucially, financial benefactors and other prominent patrons. Only haphazardly and with great luck—never continuously—do individual or group interests coincide with the collective interests of the entire community, for in any society, with its multifarious populations and interest groups, the public interest is ultimately made known only by the people themselves deliberating upon it and making decisions about it. This latter process is of course democracy, which is quite distinct from representative government, whether in the twenty-first century or the seventeenth.

There was a fundamental contradiction in the Levellers' program. The first plank in their platform was that the Commons should be the supreme governmental body in the land, since it alone was chosen by the people. But then they would not let it govern. They harangued it continually, attempting to pressure it into enacting a host of economic and social reforms. They behaved

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<sup>111</sup> The local units of the party were the City wards, each centered around a neighborhood tavern. These groups elected representatives to district (or parish) committees, which in turn elected twelve commissioners to the central executive committee. Brailsford, 313; Brockway, 61; Dow, 50.

<sup>112</sup> This is not meant to suggest that representation rather than democracy is *ideal* for any organization; far from it. The sordid history of the revolutionary Russian Communist Party is but one example of how twisted the outcome of the representative system can be even in a relatively small organization.

as if they could browbeat or at least shame the MPs into behaving as they wished. In fact no Parliament elected on any franchise or at any frequency would have implemented the Levellers' preternaturally advanced reform program in seventeenth-century England. This was proven in the subsequent history of Parliament throughout the Interregnum, when even handpicked MPs proved to be too conservative to embrace reform and repeatedly had to be replaced by an exasperated army.

The reason for the Commons' persistent conservatism is blindingly obvious to anyone not indoctrinated to believe unquestioningly in the efficacy of representation. The lower House, explains Brailsford,

was in fact the wealth of England, and in so far as it was representative, what it represented was property. . . . Membership was then what it was destined so long to remain, a valuable and often hereditary privilege in the gift of great and wealthy families.<sup>113</sup>

The upper house of Parliament was composed (speaking broadly) of the great landowners, its lower house, in the main, of their younger sons and dependents and of the upper squirearchy. A few merchants and lawyers were returned by the bigger towns, but most of the numerous lawyers were in origin and outlook landed gentry. The identification of the Commons with the landowning class was . . . complete. . . . A house composed in this way was an "estate" in the old feudal sense of the word; it reflected the views of the landed interest and only in rhetorical flourishes could it claim to represent the people as a whole. . . . [T]he governing class was a tangled web of relationships. . . . Seats in the Commons descended like peerages from father to son, or nephew. . . . The House was conscious of itself as a privileged body, into which it would admit only gentlemen worthy of a seat in the ruling club.<sup>114</sup>

The Levellers clearly did not see that Parliament was by nature an exclusive ruling club, or that the Commons were Lords in all but title. Frequent elections and rotation of office of the sort they espoused might have inconvenienced the parliamentary class somewhat, making the office of MP more of a revolving door, but such measures would not have transformed Parliament into something fundamentally different. Like many future political reformers, the Levellers severely underestimated the ability of the elite to adapt to alterations in electoral procedures. (In the present case, of course, the proposed procedural reforms were never put to the test.)

The Levellers' notion that power is somehow naturally and inalienably possessed by the people, who can, all at the same time, transmit it to a government apart from themselves, maintain overall sovereignty, and exercise targeted control over this or that policy area as they choose, was and is fallacious. When certain persons are elevated to positions of societal authority, they then have complete power over others. This is as true of so-called representatives as it is of kings or dictators. Representatives can and do promise

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<sup>113</sup> Brailsford, 22.

<sup>114</sup> Brailsford, 108-9.

the moon and the stars, milk and honey, and peace and freedom; but there is little correlation—and no *necessary* correlation—between what they pledge to do and what they actually do once in office, which can be and often is clean contrary to their promises. "Rights" or "powers" "reserved" to the people on a piece of paper are respected by rulers only insofar as they themselves wish to respect them. In any event, there is no non-arbitrary way of selecting and delineating those areas that are to be treated as sacrosanct. Ordinary individuals who attempt to do so are playing God—but without any *real* power. Moreover, once in office it is the putative representatives alone who are in a position to interpret constitutional provisions and then either enforce them, ignore them, or evade them as they see fit. Clauses in documents cannot by themselves preserve for citizens areas of pristine freedom. The modern era is rife with constitutions loaded with all manner of salutary provisions that are blithely disregarded by governments for any number of reasons. For the people's "rights," policy preferences, and interests to be certainly and continuously respected and implemented, the people themselves have to be in power to select, pursue, and safeguard them. Again, this circumstance is characteristic of democracy, not of representative government or any other variant of oligarchy.



In sum, the Levellers were pioneers in the field of constitution-making. Their *Agreement of the People* was a bold proposition in an age of monarchy. But they thought strictly in terms of representation and the delegation of power—dangerously mistaken ideas. The central aim of the *Agreement*, in consonance with the proposals of all the anti-monarchical forces and despite the reserves, was the empowerment of Parliament—and thereby of a tiny elite in society: the "natural rulers" of the country who would inevitably gain office. The Levellers were mortified to discover (so too, in the end, would the army) that once endowed with institutional power these men could not be dictated to. The Levellers had no conception of true democracy, for which neither representation nor a list of provisions on a piece of paper are substitutes.

The Levellers failed in their efforts to make the society of their dreams, but insofar as their constitutional program was realistically limited to the replacement of monarchy by parliamentary government, they succeeded in 1649. Their victory was overturned in 1660 but then reconfirmed in 1688 by their ideological successors.

#### THE INTERREGNUM

The new republican government spent much of its first three years conquering Ireland and Scotland and then fighting the Netherlands for maritime and commercial supremacy in northern Europe. Apart from religious toleration (a moderate degree *de jure*, a great degree *de facto*), very little of the reform agenda clamored for by radicals in the late 1640s was carried out. There was a simple reason for this. By mid-1649 the revolution desired by most of the wartime parliamentary party had already been achieved. Charles' anti-reformation policies, along with kingship itself, had been swept away.

Parliament was safely in control. Moreover, the Parliament of the early 1650s was not the same as that which had beheaded Charles. After being excluded from the House by Pride's Purge or withdrawing on their own due to revulsion at the precipitous turn of events at that time, many moderates were now back in their seats.

The victorious Commons were now even less inclined than before to pursue radical courses of the kind demanded by the Levellers. The latter's high-flown rhetoric and lofty aims with regard to absolute religious liberty and socioeconomic change have impressed many historians, but theirs were extreme minority positions among the political classes. As Wolfe notes, the Levellers had "exerted power and achieved an influence out of all proportion to their numbers."<sup>115</sup> When the army leaders—reformists also but not as intent as the Levellers on overturning the socioeconomic order—finally turned on them and eliminated them as a political force, this left only the army itself to counter the immense weight of the traditional elite, that is, of the conservative "natural rulers" of the country. The Purged Parliament was a very weak engine of such reform as the alleviation of poverty, the abolition of tithes and the excise, the prohibition of enclosures, the restraint of monopolies, and the simplification of the law and the rationalization of the courts. In fact it accomplished virtually nothing along these lines. The overwhelming reality, never fully recognized by any party on the left, was that Parliament was inherently the institutional embodiment of the country's elite, i.e. the wealth of the nation, not of the people as a whole. A sizable proportion of this body could be persuaded to fight for Protestantism, but no Parliament chosen in any way would ever have had much interest in either fundamental social reform or the complete disestablishment of the Church. This is why despite the calls from some quarters for free elections to replace the Purged Parliament, this was out of the question from the standpoint of the reformers' own interests. Any new, freely chosen Parliament would have been even more conservative, anti-sectarian, and royalist than the truncated and contrived one currently in place.<sup>116</sup>

By any *ordinary* standard the Purged Parliament was a successful government. It achieved a reasonable degree of both economic and social stability, it was victorious in its military campaigns, and it attained international respect. Yet by 1653 it had become clear to everyone that it would not implement even the modest reform agenda of the army officers. Under rising pressure from his men for a new Parliament, Cromwell became increasingly inclined to intervene. Finally, while it was in the midst of planning to bar army officers from any role in government and to fire Cromwell as commander in chief, Oliver decided on 20 April to sweep away the "hopelessly reactionary" regime.<sup>117</sup> He came to the Commons House and dismissed the MPs, calling them "corrupt and unjust men, and scandalous to the profession of the gospel" and telling them that "the Lord had done with them, and had chosen other instruments for the carrying on his work that were more worthy."<sup>118</sup>

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<sup>115</sup> Wolfe, 83.

<sup>116</sup> Coward, *The Stuart Age*, 223.

<sup>117</sup> Gentles, 427.

<sup>118</sup> Gentles, 433.

As just noted, a free election was untenable. The Council of Officers therefore decided to choose a number of "godly" gentlemen from throughout the country—some of them recommended by the sectarian congregations—to staff the legislature. One hundred and forty such men thus became the Nominated Parliament.<sup>119</sup> Contrary to legend, this body was not a collection of irresponsible fanatics; in fact, says Barry Coward, the reforms it pursued "were uncontroversial and designed to remedy widely recognized imperfections in the machinery of government, the Church, and the law."<sup>120</sup> The members accordingly created committees to deal with prisons and prisoners, law reform, poor relief, public debts, and tithes. "A strong concern for social reform," notes Wilhelm Schenk, "is clearly evident [in its proceedings] from the outset."<sup>121</sup>

Unfortunately for the cause of reform, however, the Nominated Parliament was sharply split between more and less radical factions. The relative conservatives became especially alarmed when the radicals seriously threatened tithes in general and impropriated tithes in particular. (The former was the primary means of support for the state church; the latter, whereby the income from an ecclesiastical estate went to a private individual rather than the Church, was a valuable form of property for the rich.) In the very early morning of 12 December 1653 the conservatives came to the House before their opponents and voted to dissolve Parliament, claiming they were no longer able to prevent "the confusion and despoliation of the nation."<sup>122</sup> In short, the Nominated Parliament had committed the cardinal sin of threatening property and, with it, the social order. It therefore had to go.

Upon the dispersal of the Nominated Parliament a new constitutional formulation called the Instrument of Government was put into effect. (It had already been drawn up by one of the generals, John Lambert.) By formally installing a single person for life as the supreme executive with very wide powers—a Protector, namely Cromwell—the Instrument was a first step back toward the monarchical form of government. Also ominous was the replacement of the traditional forty-shilling freehold franchise with a much larger property requirement of £200, greatly *restricting* the number of eligible voters.

The new constitution guaranteed, as the foremost financial priorities of the government, (a) that a standing army of 30,000 men would automatically be funded, and (b) that £200,000 would be made available for the civil administration. Parliament's longstanding power of the purse was thereby summarily annulled. In fact, this provision effectively overturned parliamentary supremacy. Not surprisingly, since it was always the officers' prime concern, the Instrument guaranteed a considerable degree of religious liberty within a loose national church. The sects were left undisturbed, and in practice even Anglican and Catholic worship were largely unimpeded.<sup>123</sup>

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<sup>119</sup> Gentles, 438.

<sup>120</sup> Coward, *The Stuart Age*, 223.

<sup>121</sup> Schenk, 133.

<sup>122</sup> Roger Hainsworth, *The Swordsmen in Power: War and Politics Under the English Republic, 1649-1660* (Gloucestershire: Sutton Publishing, 1997), 152.

<sup>123</sup> Ronald Hutton, *The British Republic, 1649-1660* (New York: St. Martin's Press, 1990), 64; Hainsworth, 171-2.

To understand the role and conduct of the army as the prime mover in the Interregnum period it is necessary to remember that it was indeed, as it had famously declared, "no mere mercenary army." Brailsford explains that "Always the Army believed that it was acting as the sword of God. Translated into the prose of daily life this meant that it was carrying out the will of the Saints, the [religious] elite who came together in the 'gathered' churches. . . . The 'honest party,' the active, revolutionary minority, the public opinion to which ('under God') the Army held itself responsible, was to be found in the congregations assembled on Sabbaths and fast days in Independent chapels and Baptist meetings."<sup>124</sup> The army was thus a highly partisan instrument, its highest priority being a "godly reformation" by which the people were to purify their lives and rid themselves of sin. Parliament was not nearly as committed as the military-led regime to religious liberty; nor was it particularly concerned with any reformation of manners. In fact it felt that Cromwell and his minions went much too far in these endeavors.

When Parliament met in September 1654 it found the provisions of the Instrument unacceptable. It would not abandon the crucial powers it had so recently wrested from the king: financial control over the executive, control over the religious dispensation (at this point the mainly Presbyterian Parliament wanted to be able to stifle the sects), and control over the army.<sup>125</sup> Hence the republicans in Parliament began debating at great length the terms of the Instrument with a view to revising it so as to increase the power of the legislature vis-a-vis the Protector and the appointed Council of State.<sup>126</sup>

On 12 September Cromwell summoned the members to him and demanded that they sign a document recognizing the Instrument as it stood. About a hundred MPs refused to sign and by so doing gave up their seats.<sup>127</sup> Despite Cromwell's intimidation and his culling of the House, the remaining members continued to object to the Instrument's distribution of the governmental powers. And so, on 22 January, Cromwell dissolved Parliament.<sup>128</sup>

In March 1655 there was a royalist rebellion. Weak and ineffectual though it had been, the entire country was as a consequence put under martial law. The royalists were forced to pay a decimation tax on their property to support a new militia to watch over them. In August ten army officers were commissioned as Major-Generals, each to supervise a particular set of counties. Besides providing security for the republican government, these viceroys were charged with improving local government and reforming the morals of the inhabitants.<sup>129</sup> In the process they purged town corporations and county JPs, replacing unreliable men with godly supporters. They also managed poor relief funds; enforced religious toleration and Sabbath observance; outlawed "immoral activities" such as cock-fighting, bear-baiting, horse-racing, and stage-plays; suppressed unlicensed alehouses, gambling houses, and brothels; put into effect "the laws against drunkenness, blaspheming and taking the name of God in vain,

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<sup>124</sup> Brailsford, 549.

<sup>125</sup> Hill, *Century of Revolution*, 136.

<sup>126</sup> Hainsworth, 178.

<sup>127</sup> Hainsworth, 179.

<sup>128</sup> Hainsworth, 181; Hutton, 66.

<sup>129</sup> Hutton, 68.



by swearing and cursing . . . and such like wickedness and abominations"; and in some cases enforced the laws against enclosures.<sup>130</sup>

The regime of the Major-Generals is notorious in the annals of English history. The degree of social control involved (here specifically as well as with regard to the Cromwellian Protectorate in general) was both novel and unwelcome to the ungodly majority, amounting to an attempted cultural revolution.<sup>131</sup> Roger Hainsworth well summarizes the phenomenon:

[T]hey . . . governed the people . . . with an unflinching, inflexible efficiency to which the governed were unaccustomed. . . . Now the central authority had come among them with inquisitorial eye and the power to . . . enforce in every detail a whole range of policies and regulations the local people wished to ignore. . . . The generals were efficient, able—and loathed. . . . It was this experience of military authority in civil concerns far more than the high cost of the New Model Army which left a profound detestation of standing armies . . . [and] a suspicious resentment of central interference [among the people].<sup>132</sup>

War with Spain necessitated a new Parliament, which gathered in September 1656. A majority of the MPs in this second Protectorate Parliament were again hostile to Cromwell. The Council of State therefore denied about a hundred members their seats on the basis of the constitutional requirement that members of the Commons be men of "integrity, fearing God and of good conversation." Another 50 members absented themselves from the House in protest of this violation of parliamentary rights. But even the remaining MPs were unhappy with the militarist regime. In January 1657 they refused to renew the decimation tax, thereby ending the rule of the Major-Generals. Soon thereafter one of the parliamentary factions proposed a new constitution called the Humble Petition and Advice, the purpose of which was to establish a constitutional monarchy of the kind many of the parliamentarians were aiming at in 1641, before the radicalization of the opposition movement derailed the drive for a moderate settlement with Charles. The plan's proponents wanted Oliver to be a traditional king rather than the unfamiliar Lord General and Protector that he now was. Cromwell gave it serious consideration. He saw that the parliamentary class would not relent in its attempts to reshape the government more to its liking. He could not forever ignore its desires. The army, however, which Cromwell could not afford to alienate, objected strenuously to the kingship element in the plan. So Cromwell rejected the Crown. A revised Humble Petition and Advice dropped the title of king but made the Protectorate hereditary, i.e. a kingship in all but name, and instituted an "Other House"—a sort of Lords but with members nominated by the Protector. This constitution Cromwell accepted. Clearly it was a retreat back toward the traditional form of government.<sup>133</sup>

<sup>130</sup> Hill, *Century of Revolution*, 137; Hainsworth, 182; Barry Coward, *The Cromwellian Protectorate* (Manchester: Manchester University Press, 2002), 69, 172.

<sup>131</sup> Coward, *The Cromwellian Protectorate*, 170.

<sup>132</sup> Hainsworth, 183.

<sup>133</sup> Lovell, 349; Hill, *Century of Revolution*, 138; Russell, *Crisis*, 395.

The republicans in Parliament, presently unexcludable due to the lack of any culling provision in the new constitution, soon objected to the obviously regressive Other House—an "echo of ancient privilege"—and proceeded to debate its legitimacy endlessly instead of passing the vital funding bills.<sup>134</sup> In fact the republicans were steadfastly opposed to the Commons sharing sovereign power with any other governmental entity whatsoever. Finally Cromwell dissolved the once again obstreperous Parliament in February 1658.

When Cromwell died on 3 September 1658 his son Richard succeeded him as Protector. Unfortunately Richard (often and aptly described as an "obscure Hampshire squire"), although not completely incompetent, lacked significant political or military experience.<sup>135</sup> The jury-rigged Protectorate had worked passably only because Oliver had embodied the triple role of popular military hero, champion of moderate reform, and reliable aristocratic gentleman all at the same time. Only Oliver's exceptional leadership qualities had kept the regime from unravelling at the seams; these qualities and Cromwell's illustrious military accomplishments had earned him the undying reverence of his troops and the broad respect of the nation. Richard was at best only a third of the above triad—a typically conservative gentleman—when the circumstances called for much more. For this reason he could not hope to win the fulsome confidence of the army.

Richard promptly allowed Parliament to threaten both religious toleration and the army's freedom to engage in political activity.<sup>136</sup> Soon fed up with him, the officers demanded that Richard give up his claim to control the army and that he surrender its formal command to one of themselves.<sup>137</sup> In response to the growing animosity toward him on the part of the army (partly because nothing was being done about the soldiers' arrears), Richard attempted in April 1659 to dissolve the Council of the Army. At the same time, Parliament began to set up a rival militia under its own control. The army commanders answered these challenges to their power—and to the status they had attained as practically an official estate of the realm—by demanding that Richard dissolve Parliament. Helpless, the newly minted Protector was forced to comply, and he retired altogether soon thereafter, taking with him into oblivion the Protectorate itself. With no better ideas as to the form of government that should now follow, the army recalled the Purged Parliament of 1648-53. The officers had stipulated before doing so that the reinstated Parliament should establish a senate to which officers would be eligible (taking the place of the Protectorate's officer-dominated Council and Upper House), but the members subsequently ignored this part of the bargain.

All this political turmoil, including the loosening of central authority signalled by the demise of the Protectorate, apparently opened up opportunities for renewed activism, for the country witnessed a marked resurgence of radical republicanism. Ronald Hutton describes the atmosphere:

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<sup>134</sup> Coward, *The Cromwellian Protectorate*, 97; Hainsworth, 239.

<sup>135</sup> Hutton, 75.

<sup>136</sup> Coward, *The Stuart Age*, 235.

<sup>137</sup> Hutton, 115.

[T]he London presses began to pour forth blueprints for [reform] in a way not known for ten years. Petitions for the abolition of tithes . . . containing thousands of signatures, were presented to the MPs. . . . [In some] English counties . . . the militia was put in the hands of the most extreme reformers ever to hold power. . . . It seemed to many, now, that the second English Revolution, [entailing, among other things] the abolition of the state Church and of lawyers and the codification of the law, was about to begin. The royalists and Presbyterians were utterly crushed, their presses silent, while radical writers demanded reforms with a new confidence and urgency. . . . [I]t seemed that the radicals were winning.<sup>138</sup>

Yet the topsy-turvy struggle for supremacy between Parliament and the army officers continued. When the latter, being averse to an omnipotent House, again demanded the creation of a senate as an institutional base of countervailing power for themselves, as well as a number of long-sought reforms such as the elimination of tithes (which they had no confidence Parliament would implement), Parliament on 12 October stripped nine senior officers of their commissions and tried to dismiss them, summoning the soldiers to assist them in the attempt. But the rank and file instead obeyed their commanders, who then expelled the MPs. The army regained control of the government but was again devoid of solid constitutional ideas; all it could do was set up an ineffectual Committee of Safety to run the country.<sup>139</sup> A descent into chaos and domestic resistance ensued. At the end of December, in a desperate attempt to arrest the process of civil disintegration, the officers once again recalled the Purged Parliament and then finally ceased to function as a unitary council.<sup>140</sup> The members resumed their seats on the 26th.

All of this was in itself tumultuous enough. But what finally doomed the army's domination, the radicals' aspirations, and the Republic itself, was a new and unexpected phenomenon: the opening up of a deep division within the army. After the latter's last expulsion of Parliament in October General George Monck, the commander of the English army in Scotland, decided that the army's interference in politics—its erection and pulling down of governments willy-nilly—had become excessive and intolerable. Monck believed strongly in the subordination of the military to the civilian authority. Unlike many other officers—"politico-religious enthusiasts"—he was the quintessential professional soldier: his duty, as he saw it, was to obey orders.<sup>141</sup> He was also relatively conservative in religion and in social outlook. Witnessing the revival of religious radicalism described above, he was appalled by the prospect of the destruction of the moderate Protectorate state church and the rise of the relatively low-bred sects to power. From Scotland Monck watched the growing anarchy and widespread rioting in the southern realm with dismay, and he prepared to intervene. Lambert brought an army up near the Scottish border in the middle of winter to challenge him, but when the soldiers heard that General

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<sup>138</sup> Hutton, 120-22.

<sup>139</sup> Hutton, 123-4; Hainsworth, 248-9.

<sup>140</sup> Kenyon, *Civil Wars*, 226; Coward, *The Stuart Age*, 236.

<sup>141</sup> Godfrey Davies, *The Restoration of Charles II, 1658-1660* (San Marino, Ca.: The Huntington Library, 1955), 179.

Fairfax—who had always been conservative by army standards—had come out of retirement and joined Monck and his well-paid, well-fed, and well-disciplined forces at Yorkshire while the English army (which had deteriorated badly in the past few years) starved and went without shoes, they abandoned their commander. Lambert was eventually left virtually without an army and then thrown in the Tower.

Having decided to take control of the situation in England, Monck on his march south at first professed to support the Purged Parliament. But when he arrived in London on 3 February 1660 he saw that there was in reality little effective governmental authority left to uphold. Moreover, Parliament turned hostile toward him and attempted to cashier him while the Londoners and much of the rest of the country were calling for a "free Parliament" to replace the current one. Monck felt he had to act decisively. So, having called upon the surviving Long Parliament members excluded by Pride's Purge in 1648 to take their seats—thereby finally putting an end to the Purged Parliament—Monck prevailed upon the reconstituted Long Parliament to dissolve itself and issue writs for a new election. This it did on 16 March.<sup>142</sup>

Monck now contacted Charles II in the Netherlands and essentially ordered him to compose and deliver to England a declaration promising (1) a general pardon and indemnity plus arrears of pay for the soldiers, (2) confirmation of the sales of all estates since the start of the Civil War, and (3) a degree of toleration of religious dissent ("liberty to tender consciences").<sup>143</sup> The estate proviso in particular would reassure recently enriched men of property that a restoration would not harm them. Charles complied, and on 1 May the newly elected Convention Parliament—with a restored House of Lords and a Commons consisting mostly of royalists and conservatives and practically devoid of republicans—received and accepted the Declaration of Breda embodying Monck's stipulations, except that it was to be Parliament rather than the king who would settle the enumerated points. The Houses thereupon voted that the government of England should once again be by King, Lords, and Commons.

Ironically, Charles II was brought back home by the New Model Navy and escorted through the country on his ride to London by the New Model Army. This is symbolic of the fact that neither Charles himself nor his royalist supporters had much to do with his restoration. It was the work of the army led by General Monck, under whose leadership it had been transmogrified into something of an "anti-army" army.<sup>144</sup> The gentry were delighted, for the political experiments of the Interregnum had convinced them that their position in society would be safest under the old constitution as revised in 1641, which is the constitution they perceived the Restoration settlement to have installed. The Restoration of 1660, says Godfrey Davies, in agreement with many other historians, was widely considered by Englishmen to have been "the only escape from an intolerable situation" of military interference in government.<sup>145</sup>

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<sup>142</sup> Hutton, 128-9.

<sup>143</sup> Davies, 343; Hutton, 130.

<sup>144</sup> Scott, 407; Hainsworth, 269.

<sup>145</sup> Davies, 160.



That the Restoration occurred is both somewhat mysterious and prosaically explicable. The republican government had been reasonably competent and backed by a powerful army. Although there was certainly a strong undercurrent of nostalgia for the old monarchy during the Interregnum, *active* royalism had never been strong enough to pose a serious threat to the government. Hence the strangeness of the reversion to monarchy. Yet it was all too clear that the Republic was deeply dysfunctional. At the top it was terminally split between the army that had defeated the king and a political class comprised of both conservative gentlemen and radical republicans, who, longing for straightforward parliamentary rule, would not tolerate the army's heavy-handed interference in politics, i.e. military dictatorship. Neither side would let the other enjoy untrammelled sovereignty. The army in particular endeavored constantly to control and tailor to its preferences Parliament's membership. Although the army leaders had fought for parliamentary rule during the Civil War, they afterward decided that their own socioreligious reformation agenda—the seeking of "godliness"—took precedence over constitutional formalities. As early as 1647, at Putney, Cromwell had declared that "forms of government" were "but dross and dung in comparison of Christ."<sup>146</sup>

Thus, the incessant power struggle between the army and the parliamentary gentry, with their divergent visions for the country, inevitably caused an extreme degree of instability in the institutional structure (as opposed to the mundane administration) of the government throughout the Interregnum, especially toward the end of the period, when the chain of events became downright bewildering. As both commander in chief of the radicalized army and a bona fide gentleman always sure to defend property, Cromwell had been the indispensable lynchpin—"the key to power"—who held the regime together.<sup>147</sup> It could not long survive his death, for its institutional foundations had always been shaky. Moreover, the government's weak efforts on behalf of the common man—it never abolished tithes, ended imprisonment for debt, or abolished the press-gang—meant that the masses were never won over to its side. No revolution in landownership accompanied the attempted cultural revolution; there was in fact no permanent redistribution of property during the 1650s.<sup>148</sup> "The plain man," says Brailsford, "was soon murmuring that though the King was beheaded, nothing in his own daily round was changed."<sup>149</sup>

In the end the gentry closed ranks against the Republic and decided that the traditional king-in-Parliament was a more reliable vehicle of its rule. The old monarchy was a known quantity that at least "worked," and of course many Englishmen had never favored its elimination in the first place.

Scott cites as one cause of the Restoration "the poverty of the radical constitutional imagination."<sup>150</sup> Indeed, it is clear that the army officers had few

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<sup>146</sup> David L. Smith, in Patrick Little, ed., *The Cromwellian Protectorate* (Woodbridge, UK: Boydell Press, 2007), 27.

<sup>147</sup> Coward, *The Cromwellian Protectorate*, 29.

<sup>148</sup> Coward, *The Cromwellian Protectorate*, 174-5.

<sup>149</sup> Brailsford, 470.

<sup>150</sup> Scott, 405.

good ideas about forms of government. Monarchy was of course the bad old regime, but pure parliamentary rule proved to be almost as unacceptable for their specific purposes. As for pure thinkers, Thomas Hobbes was the only major political philosopher thrown up by the revolution, but, being both a monarchist and a reputed atheist, he was *persona non grata* to republicans and royalists alike (we will return to him in the next chapter).<sup>151</sup> James Harrington might also be mentioned. Yet, although he had some cogent though rather overrated ideas about the relationship between economic and political power, his constitutional schemes were of such ludicrous complexity that they are nearly unintelligible even to the leisurely modern reader. They must have been just about as incomprehensible to his stressed contemporaries. Thus political theorists can be said to have failed the revolution.

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<sup>151</sup> The Leveller leaders arguably fall into the category of political philosophers, but they were obviously far more "political" than "philosophers."

## V. REVOLUTION II

If only Charles II (r. 1660-1685) and his brother the Duke of York, the future James II, had been "good Protestants," the Restoration might have resulted in England settling back down to a stable monarchy. But this was not to be. More than anything else, it was the continued religious antagonism between the king and most of his greater subjects that led to the Glorious Revolution of 1688. In the end the members of the parliamentary class, Whigs and Tories alike, once and for all took it upon themselves to determine who and what kind of person they would have as king. It was this decisive act that finally and radically altered the constitution, making it something other than a simple monarchy and putting it well on the way to becoming a parliamentary system. In this latter development William III played a major part, not only because he invaded England and drove out James when invited to do so by the opposition leaders, but because he brought to his new realm a quasi-republican style of rule. He had been the chief magistrate, not the king, of his native Holland, and the ethos of his former role tempered his exercise of kingship in England. (See Appendix F.)

Despite their ostensible royalism, it was principally the Tories who made the Revolution. Having subdued the proto-republican Whigs by the time of Charles' death, they were riding high when James came to the throne. But the new king promptly alienated them with his pro-Catholic policies and in the process seriously threatened the Anglican establishment. The Tories then had little choice but to abandon their ultra-monarchist tenets and join the relatively weak Whigs in dethroning James.

Yet it was the Whigs, John Locke in particular, who provided the lasting theoretical justification for the parliamentary sovereignty that the Revolution inaugurated. The Whig ideology was a thoroughly elitist one. The foremost purpose of the political system it espoused was to protect the persons, property, and economic exploits of the upper classes, both from the multitude and from any would-be tyrant. Far from establishing popular rule, this is what the parliamentary/representative system did in early eighteenth-century England, and what it has done throughout much of the world ever since.

Thomas Hobbes, the other notable political philosopher of the century, was a contrarian thinker who wrote in the 1640s and 50s. He is of historical interest not because he had much influence on the course of events in his own age—he did not—but because many of his ideas embodied proto-democratic principles reminiscent of Protagoras, the possible theorist of the Athenian democracy. And these principles are as significant today as they were in the past.

In general we will be making distinctions that draw out the differences between political parties, philosophical positions, and religious affinities to their logical conclusions. This, it is proposed, is the only way we can make sense of the dynamics, and explain the ultimate consequences, of the various conflicts in this turbulent, transitional time. Needless to say, in reality these distinctions were not always so clear-cut (hence the occasional need for qualifications such as those used above: quasi- and proto-.)

The Restoration of 1660 brought back the monarchy. But was this restored monarchy the same as that which was in place before the Civil War? Or was it now somehow limited? What, if anything, was settled by the Restoration settlement? There were certainly some changes (discussed below), but, given the renewed constitutional conflict that soon ensued, one might say very little.

One key to understanding the political history of England between 1660 and 1688 is to recognize that the restored Stuarts had—as their subjects soon realized to their horror and dismay—a distinctly pro-Catholic agenda. While this may seem strange to the historical observer, given that a Puritan revolution had just swept the nation, it is really not that surprising given the international context of the time. For in this very period when English Protestants were overthrowing a monarch whom they deemed excessively "popish" and arbitrary (Charles I), there was a trend in much of Europe, most notably in France, toward absolute monarchy, which in practice meant monarchy headed by a Catholic king and unrestrained by any such representative institution as England's Parliament.

Young Charles II and his brother James had in fact spent the decade before 1660 in exile on the continent, partly in France, where they hobnobbed with their cousin King Louis XIV. Apparently, as evidenced by their later behavior, they found the luxury and authoritarianism of the French monarchy attractive. Back home, however, leading Protestants regarded Louis' regime much more as a threat than as something to be admired or emulated. Slingsby Bethel, for one, abhorred the "popery and arbitrary government" associated with absolutist France, whose inhabitants he considered "poor and miserable" as a result of laboring under the "absolute rule founded in [the] arbitrary will and pleasure" of an all-powerful king.<sup>1</sup> "Your neighbors in France, Spain, and other Popish governments," the author of another tract (*A Character of Popery and Arbitrary Government*, 1681) informed his English readers, "have no other security either for their estates or beings, save the grace or favor of their prince; which renders them perpetual vassals to the crown." The dismal condition of these Europeans was "incident to absolute monarchy, and absolute monarchy incident to popery."<sup>2</sup>

But what did it matter to Englishmen that Frenchmen and others on the continent labored under absolutist regimes? The problem was that the international political situation was far from stable. Protestantism in Europe, Paul Seward explains, "was, by the late seventeenth century, marginalised and in retreat, threatened on all sides by great, strong catholic states." France had by now taken over from Spain the role of "principal oppressor of the reformed religion" and had become "the leader of a resurgent continental catholicism."<sup>3</sup> Louis invaded the Netherlands in 1672, and many Englishmen feared that they were next in line. Louis was in fact widely assumed by contemporaries to be

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<sup>1</sup> *The Interest of Princes and States*, 1680, in Richard Ashcraft, *Revolutionary Politics and Locke's Two Treatises of Government* (Princeton: Princeton University Press, 1986), 204.

<sup>2</sup> Ashcraft, 205.

<sup>3</sup> Paul Seward, *The Restoration, 1660-1688* (New York: St. Martin's Press, 1991), 62-3.



aiming at a "universal monarchy."<sup>4</sup> It is therefore very helpful, before continuing with our chronicle of English political history, to examine briefly the contemporaneous development of England's powerful rival across the Channel.

### Background

Protestantism, of course, was not peculiar to England. Its early growth was an international movement. Under the direction of Calvin in Geneva, Protestantism spread rapidly in France in the mid-1500s. Then in 1562 war broke out between Protestants and Catholics and the country endured vicious religious civil war until 1598, when the Edict of Nantes granted the Huguenots (as Protestants were called in France) a measure of toleration and legal protection, thereby effecting something of a religious settlement.<sup>5</sup> Unlike in England, however, Protestantism in France remained a minority persuasion, destined to have to fight for mere survival.

Just as France experienced religious strife paralleling that in England, but with Catholicism instead of Protestantism finally prevailing, France also underwent a brief period of something resembling constitutional turmoil in the middle of the seventeenth century, but with absolutist monarchy rather than parliamentarianism emerging triumphant. Upon King Louis XIII's death in 1643 the government was run by a Regency headed by the first minister, Mazarin. The government's exploitative financial measures and its authoritarianism gave rise to a confused general rebellion called the Fronde, which lasted from 1648 to 1653. This "strangely negative and futile" affair with its "conceptual poverty" was the nearest the French came to matching the wondrous revolution underway in England at the same time.<sup>6</sup> It consisted largely of the production of a plethora of anti-government pamphlets called Mazarinades, which were basically, as the name implies, rants against Mazarin and calls for his replacement in office by some other personage. The French aristocracy was in fact fatally fragmented and disunited, and never came close to formulating, much less realizing, truly revolutionary aims.<sup>7</sup>

### Absolutist rule

While the doctrine of the divine right of kings was being seriously challenged in England, it was, despite the manifestation of such discontent as that expressed in the Fronde, alive and well in France, where it was instilled in young King Louis XIV (b. 1638; r. 1643-1715) by his tutors.<sup>8</sup> Even more so than in England, political thought in France was dominated by the hierarchical doctrines of the chain of being, divine right, paternalistic rule, and the organic polity. God places kings on their thrones, and they are answerable to him alone.

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<sup>4</sup> John Miller, *After the Civil Wars: English Politics and Government in the Reign of Charles II* (Harlow, England: Pearson Education, 2000), 121; Scott, 171.

<sup>5</sup> Robin Briggs, *Early Modern France 1560-1715* (Oxford: Oxford University Press, 1977), 17, 32.

<sup>6</sup> Briggs, 139-40.

<sup>7</sup> Briggs, 140; David J. Sturdy, *Louis XIV* (New York: St. Martin's Press, 1998), 30.

<sup>8</sup> Sturdy, 1-2.

On earth the will of the king is absolute. Louis completely bought into these conservative traditions and continually nurtured them. As he writes in his *Memoires* (rather like James I did much earlier in his *True Law of Monarchies*), a revolt by subjects against their king, no matter how vile a person he is, is an "infinitely criminal" act. Kings are God's lieutenants, whom subjects "must obey without question."<sup>9</sup> The king, Louis maintained, is the head, and his subjects the members, of the body politic. Both have the same interest: the preservation of the unitary nation.<sup>10</sup>

It is one thing to espouse a thoroughgoing divine-right ideology, and quite another to be able to put it into effect. When the high-flown James VI of Scotland became James I of England, he was, as we saw, to a large degree thwarted in his grandiose monarchical ambitions. Both the nature of the English polity and the temper of the English political class proved formidable obstacles to any ultra-monarchical project. And of course when the constitutional skirmishes of James' and Charles' reigns erupted into open warfare in the 1640s, the parliamentarians triumphed decisively. Louis, on the other hand, operated under fewer constraints. There was no equivalent of the English Parliament in France. The Estates General, a rarely-convening representative institution embodying all the upper classes in society, did not meet at all between 1614 and 1789, while the French parlements were law courts, not legislative bodies.<sup>11</sup> In any event, Louis in 1673 abolished the Parlement of Paris' right of "preregistration remonstrance," a mechanism by which it had been able to pre-screen royal edicts and at times delay their implementation.<sup>12</sup> Thus, in late sixteenth-century France a ruler could, says Andrew Lossky, potentially "attain great authority and raise the monarchy to unprecedented heights."<sup>13</sup> It all depended on the character and ability of the individual monarch. It so happened that Louis, though possessed of no great mind, was an exceptionally energetic and forceful king.<sup>14</sup>

Louis reached his majority shortly after the end of the Fronde. When, in 1655, the Parlement of Paris tried to obstruct some legislation prepared by the Crown, Louis ordered the assembled Parlements to implement it forthwith, reputedly proclaiming—though he was still only seventeen years old—"l'Etat, c'est moi!" ("I am the state!").<sup>15</sup> From this flamboyant start Louis embarked upon a long career of aggrandizing the monarchy. He himself stated that he intended to be an "absolute" monarch, unhampered by either ministers or ancillary governmental organs like the parlements or the provincial assemblies. He would not share his sovereignty with anyone whomsoever.<sup>16</sup> Accordingly,

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<sup>9</sup> Sturdy, 10.

<sup>10</sup> Andrew Lossky, *Louis XIV and the French Monarchy* (New Brunswick, N.J.: Rutgers University Press, 1994), 71.

<sup>11</sup> William Doyle, ed., *Old Regime France, 1648-1788* (Oxford: Oxford University Press, 2001), 140.

<sup>12</sup> James B. Collins, *The State in Early Modern France* (Cambridge: Cambridge University Press, 1995), 146.

<sup>13</sup> Lossky, 16.

<sup>14</sup> Briggs, 145.

<sup>15</sup> Sturdy, 32.

<sup>16</sup> Sturdy, 12.

he deviated from recent practice by doing without a chief minister. And for his ordinary ministers he chose men from outside the ranks of the great magnates, i.e. men who were dependent on him for their stations.<sup>17</sup>

Unlike many of his fellow European monarchs, who preferred to delegate authority while they themselves luxuriated in relative idleness, Louis worked diligently at the business of government. He made his new administrative councils extremely small, and he headed them personally. The Council of State had only four members including the king; the other major Councils, those of Dispatches and Finances, were similarly composed.<sup>18</sup> Not surprisingly, Louis developed into a very well-informed and competent head of state.<sup>19</sup>

One of Louis' methods of control was his use of ritual and regimentation at court. His own daily routine, described by James Collins, is a prime example.

Each morning at his rising . . . he received his garments from specified people—the lord chamberlain (or a royal prince) brought Louis' dayshirt, the first valet helped with the right sleeve, the first servant of the wardrobe with the left. . . . Louis' day passed in such ceremonies, which served an avowed political purpose, as he told the Dauphin in terms reminiscent of Machiavelli: "Those people are gravely mistaken who imagine that all this is mere ceremony. The people over whom we rule, unable to see [to] the bottom of things, usually judge by what they see from [the] outside, and most often it is by precedence and rank that they measure their respect and obedience."<sup>20</sup>

Louis also promoted a new "structure of manners" throughout society—the cultured subject, for instance, took an olive with a spoon, not a fork. Such rules were only superficially a matter of politeness and civility. More fundamentally, they helped to delineate class lines, thus buttressing the stratified social order.<sup>21</sup> They also channelled potentially subversive discontent into trivial competition: courtiers were kept wrangling about such things as who sat where, when, and how, leaving little time to organize coups.<sup>22</sup>

Louis styled himself the "Sun King," and, in imitation of the real sun and its planets, he sought to make his subjects' lives revolve around his own. Hence Versailles. This ostentatious, virtually self-contained city (which served as the seat of government starting in 1682) was, says David Sturdy, "a highly regulated society focused upon the king, a finely tuned vehicle for the execution of his will" and for the taming of the headstrong aristocracy.<sup>23</sup> Louis appointed those whom he distrusted to positions at court, where at all times they had to attend his person or engage in various trifles such as rowing the ladies of the court around the artificial lake. Thus domesticated, separated from their provincial seats of power, and having to spend all their money at the hugely extravagant and

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<sup>17</sup> Lossky, 74-5.

<sup>18</sup> Collins, 89.

<sup>19</sup> Sturdy, 36.

<sup>20</sup> Collins, 121.

<sup>21</sup> Collins, 122.

<sup>22</sup> Collins, 129.

<sup>23</sup> Sturdy, 20.

expensive court, the nobles lost much of their independent authority. "It is only necessary," says Julian Swann, "to recount the tales of fearsome battles amongst courtiers about precedence and etiquette to complete a sorry tale of an aristocracy trapped in a gilded cage."<sup>24</sup>

### Protestant persecution

Louis was a perfectly orthodox and pious Catholic, observing all church ceremonies and attending mass daily.<sup>25</sup> But, as with all religious conflicts of this age when viewed broadly, Louis' animosity to the kingdom's Protestants was not fueled by simple bigotry. By the beginning of his personal reign Protestants constituted only 3-4% of the French population. But just as in Protestant England Catholics, despite their minority status, represented a political threat to "Church and State," so Louis could not tolerate active Protestantism in his Catholic kingdom. French Catholics, moreover, associated their Protestant countrymen with the dangerous regicidal republicanism of the English Puritans. In short, the Huguenots' very existence in France was highly troubling to the establishment. Hence the panoply of repressive measures against them.<sup>26</sup> According to the articles of a royal declaration of 1666, attendance at Protestant gatherings was to be limited to very small numbers; a Protestant minister could preach in only one designated location; synods could meet only by permission of the king; only reading, writing, and arithmetic could be taught in Protestant grade schools; local officeholding by Protestants was severely restricted; and children of mixed marriages had to be brought up Catholic.<sup>27</sup>

In time the severity of anti-Protestant measures escalated greatly. By 1680, for example, mixed marriages were forbidden altogether.<sup>28</sup> Yet Protestantism did not disappear, which apparently was the only thing that would have satisfied Louis. In 1681 he began to subject the Protestants to "dragonnades," whereby soldiers (dragoons) were billeted in Huguenot homes, draining the unfortunate households of provisions and subjecting their members to all manner of abuse unless and until they converted.<sup>29</sup> Finally, as a culmination of previous measures but also as a way to prove his Catholic zeal to the Pope and the rest of Europe in a time of perfervid international religious competition, Louis in October 1685 signed the Edict of Fontainebleau, thereby revoking the Edict of Nantes and outlawing Protestantism in France altogether.<sup>30</sup> It will be seen shortly that this momentous act, along with Louis' entire politico-religious program, was of the utmost concern to English observers and therefore of profound significance to English political development. Though inevitably simplistic, there is much truth to the contemporary view that the choice facing the political classes throughout Europe had become starkly bipolar: Catholic tyranny or Protestant freedom.

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<sup>24</sup> Doyle, 143.

<sup>25</sup> Sturdy, 74.

<sup>26</sup> Sturdy, 93.

<sup>27</sup> Lossky, 199.

<sup>28</sup> Lossky, 217.

<sup>29</sup> Doyle, 180; Sturdy, 95.

<sup>30</sup> With the sole exception of Lutherans in Strasburg. Collins, 104.

## RESTORATION TO GLORIOUS REVOLUTION

1660-1670

Much of the early 1641 Long Parliament legislation limiting the monarchy was retained in 1660. Charles I's financial expedients such as ship money remained illegal, and the prerogative courts, including star chamber, were not revived.<sup>31</sup> In general the climate of relations between king and Parliament in Restoration England was palpably different from what it had been in pre-Civil War days. The king, for instance, could no longer "imprison contumacious MPs at the end of a session, order them into protective custody or rifle their papers for incriminating documents," as both James I and Charles I had done before with impunity.<sup>32</sup> Parliament in 1660, as David Willson points out, "was in a far stronger position than it had held before the Civil Wars. Neither Parliament nor the King could forget that for twenty years the Commons had controlled administration, had raised armies, had built a navy, had fought wars, had eliminated monarchy and the House of Lords, had declared itself the supreme power in the state, and, above all, had brought a King to the block."<sup>33</sup>

Many of those who unenthusiastically acquiesced to the Restoration probably felt that, regardless of precise constitutional provisions, the "tyranny" of Charles I was very unlikely to be repeated by his son or by any future monarch. Yet the actual powers still held by the king were both great in themselves and prone to unwholesome enlargement by future occupants of the throne. There was to be no parliamentary control over the king's choice of his councillors or over his appointments to offices in state and Church; the royalist "Cavalier" Parliament of 1661 granted the king sole control of the militia; and, to further emphasize their own subordination to the Crown, the MPs passed an act making it illegal for anyone to claim that Parliament had any independent legislative powers. In sum, the Restoration settlement left the location of ultimate authority in the state indeterminate, but with the Crown in a strong position.

In the event, it was Parliament rather than the king who took the first definitively reactionary steps in policy by passing the religious legislation known to history as the Clarendon Code. This set of acts made any Protestant not conforming to the Anglican Church a second-class person subject to various repressive measures. Thus the broad toleration and relative religious laxity of the Cromwellian Church was done away with and something akin to Laudianism was reintroduced. And along with the return of religious conservatism came a revival of the exaltation of the monarch over Parliament. Sir Robert Hyde, Lord Chief Justice of King's Bench, said at the trials of the regicides in October 1660

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<sup>31</sup> Coward, *The Stuart Age*, 246; Tim Harris, *Politics Under the Later Stuarts: Party Conflict in a Divided Society, 1660-1715* (New York: Longman, 1993), 34.

<sup>32</sup> Kenyon, *Civil Wars*, 240.

<sup>33</sup> David Harris Willson, *A History of England* (New York: Holt, Rinehart and Winston, 1967), 427.

that "the king is above the two houses. . . . The laws are made by him, and not by them, [or] by their consenting, but they are his laws."<sup>34</sup>

Strangely, however, Charles II did not fall into line with the now-dominant Anglican royalists, those men so fervently attached to Church and State who should have been his natural allies. Instead he sought, from early on, something that was anathema to them: toleration for Catholics. It will be recalled that the High Church Arminians of the 1620s and 30s were considered by the Puritans to have been little better than Catholics. But the Anglican Church, having survived that period and the next two decades intact (even though it was officially proscribed throughout the Interregnum), had by the Restoration period forged for itself an identity distinct from both dissenting Protestantism (i.e. the Puritans and sectaries) and Catholicism. Yet it was precisely at this time that Charles began to evince a decided preference not for crypto-Catholicism like his father, but for Catholicism pure and simple.

Why Charles or any other English monarch of the late 1600s would dally with Catholicism in the face of such a staunch Protestantism as that exhibited by most of the kingdom's political class has puzzled English historians. Several, however, have deduced, or at least plausibly conjectured, that the royal brothers perceived the Catholic religion to be more congenial to the absolutist form of government that, in imitation of Louis XIV, they aspired to create in England.<sup>35</sup> As intimated above, after fleeing England in 1646 the young Charles II spent the remainder of his pre-Restoration years on the continent surrounded by several Catholic family members, and, of course, away from the Church of England. According to George Savile, Marquis of Halifax, "After the first year or two" that Charles was away from England "he was no more a Protestant." Jonathan Scott concludes that, as a former exile, "Charles' mental map of Europe had its centre not in England at all, but France."<sup>36</sup> "Charles," says Richard Ashcraft, "was convinced that his cousin, Louis XIV, knew how to rule; the latter was the very image of a king who demanded, and received, absolute obedience from his subjects."<sup>37</sup> Referring to Catholicism, Charles himself told the French ambassador in 1663 that "no other creed matches so well with the absolute dignity of kings."<sup>38</sup>

Contemporary critics of the Crown were well aware of the king's attraction to both Catholicism and French-style absolutism. They considered "popery" to be a religion that inculcated the habit of submission to authority, one that kept the people ignorant. Algernon Sidney wrote sardonically that "a strict friendship is to be held with the French that their customs may be introduced and the [English] people by their example brought to beggary and slavery quietly."<sup>39</sup> Another MP wrote in 1663 that "there is a design, and an intention to change the constitution of the government of this kingdom and to reduce us after the model of France [where the people] have lost all their liberties, and [are] governed by

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<sup>34</sup> Harris, *Later Stuarts*, 36-7.

<sup>35</sup> E.g. Coward, *The Stuart Age*, 252.

<sup>36</sup> Scott, 169-70.

<sup>37</sup> Ashcraft, 18.

<sup>38</sup> Seward, 47.

<sup>39</sup> Scott, 171.

an arbitrary and military power."<sup>40</sup> In January 1669 Charles in fact declared to his Catholic advisers that he intended to convert to Catholicism and to promote this religion in England.<sup>41</sup> This was not as rash a scheme as it might appear, for although Catholics made up no more than 2% of the general population, they were much better represented at court and among the aristocracy.<sup>42</sup> These important persons, Catholic activists thought, could and would induce Englishmen at large to follow their admirable example.

The extent and sincerity of Charles' personal attachment to Catholicism, and his true aims concerning the kingdom's religion, have been much debated by historians. Although Charles did finally convert, he did so only on his deathbed in 1685; before then he had remained formally Anglican. What is beyond question, however, is that through much of his reign Charles showed favor to Catholics and cozied up to Catholic France to a degree that his more fervently Protestant subjects considered unacceptable. To say the least he did not pursue the kind of solidly Protestant policy they would have preferred.

### 1670-1678

In 1670 Charles embarked upon a decidedly pro-Catholic policy and in the process alienated much of the parliamentary class. He entered into an alliance with France against the Protestant Dutch through the Treaty of Dover, in which he promised to introduce toleration for Catholics in England. The treaty contained secret clauses stipulating that Louis would provide Charles with a yearly stipend (thereby reducing his dependence on Parliament) in return for which Charles would publicly declare his Catholicism as soon as it was expedient for him to do so. Louis would, if necessary, provide troops to quell the furor that would indubitably ensue. In 1672 Charles issued his second Declaration of Indulgence (his first had been in 1662). This royal edict suspended the penal laws against Catholics as well as Protestant dissenters.<sup>43</sup>

By March 1673, in the face of resolute mainstream Protestant opposition, Charles was forced to cancel the Declaration of Indulgence as well as assent to a Test Act that would henceforth exclude non-Anglicans from public office by requiring all officeholders to take the Anglican sacrament and abjure the Catholic doctrine of transubstantiation. In June the Test Act brought into the open the fact that the king's brother had recently converted to Catholicism.<sup>44</sup> (As a result he had to resign his office of Lord High Admiral.) This revelation aroused the deepest consternation in much of the political nation, since, Charles having no legitimate children, James was heir to the throne. Not since Mary Tudor had there been an openly Catholic English monarch, and Protestants had by no means forgotten what that reign had cost them. In October Parliament tried to push through a measure preventing James' impending marriage to a Catholic Italian princess without its approval; another measure stipulated that, if

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<sup>40</sup> Seward, 14.

<sup>41</sup> Seward, 65-6.

<sup>42</sup> J. R. Jones, *The Revolution of 1688 in England* (London: Weidenfeld and Nicolson, 1972), 22.

<sup>43</sup> Lovell, 375; Coward, *The Stuart Age*, 263, 265.

<sup>44</sup> Coward, *The Stuart Age*, 267.

they married, the couple's children would be brought up as Protestants. To forestall such legislation, Charles prorogued parliament.<sup>45</sup>

Suspicion about the king's dealings and motives now ran very high. It was feared that he was intent on subverting the established religious order and with it the political order. In December 1678 Parliament learned of letters written by the king to Louis detailing secret negotiations between the two earlier that year. In these letters Charles explained to the French king that if he wanted him to keep Parliament (which was anti-French) prorogued and subdued, he would have to pay him more than hitherto. The members were stunned. Said one: "I hope gentlemen's eyes are now open, by the design on foot to destroy the government and our liberties."<sup>46</sup> Undoubtedly they recalled that in 1675 Charles had told them: "I know you have heard much of my alliance with France, and I believe it hath been very strangely misrepresented to you, as if there were certain secret articles of dangerous consequence, but . . . I assure you there is no other treaty with France."<sup>47</sup> Parliament reacted to the king's treachery by attempting to impeach the Earl of Danby, the first minister. But Charles temporarily frustrated this maneuver by again dissolving Parliament.<sup>48</sup>

Also in 1678, the infamous "Popish Plot" was revealed. This was a fabricated account by two unstable persons, Israel Tonge and Titus Oates, of a Catholic conspiracy to assassinate the king, so that the unqualifiedly Catholic James could succeed to the throne and enable the Catholics to seize power.<sup>49</sup> While this particular assassination plot was no doubt fictitious, some very real schemes to convert England were being concocted at the same time by well-placed persons. One such intriguer was Edward Coleman, James' secretary. In private correspondence of his, published in 1678, Coleman wrote of "the great design" to destroy "the Protestant party" and "to establish . . . Catholics in every place." He also spoke of nullifying the power of Parliament, and of James' commitment to the cause. "In other words," says Ashcraft, "Coleman's letters confirmed the political suspicions of English Protestants as to the designs of Catholics to establish an absolute monarchy in England, through which they hoped to restore Catholicism as the national religion." For his part, the Whig leader the Earl of Shaftesbury was convinced that there existed "a secret universal Catholic league" whose object was "the utter extirpation of the Protestant religion out of the world," and that the English royal court was deeply complicit in this plan.<sup>50</sup>

#### 1678-1681

In May 1679 the Commons took up an Exclusion Bill that would have allowed Parliament to determine the succession, in order to prevent the enthronement of a Catholic monarch, i.e. James. Charles promptly dissolved Parliament, preventing it from enacting this or any other major legislation. This

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<sup>45</sup> Seward, 68.

<sup>46</sup> Scott, 178-9.

<sup>47</sup> Scott, 173.

<sup>48</sup> Coward, *The Stuart Age*, 284.

<sup>49</sup> Seward, 102; Ashcraft, 138.

<sup>50</sup> Ashcraft, 139, 140.



cycle of convening and then immediately dissolving Parliament was repeated twice more over the next two years. It was at this time, over the question of exclusion, that a fairly clear division of Protestants into two contending parties became evident. The Tory party, which opposed exclusion, consisted of conservative Anglicans who supported monarchical supremacy with its unrestricted hereditary principle. The Whigs, on the other hand, were far less enamored of the monarchy and more much favorable toward Parliament and its ascendancy within the constitution; they were the drivers of exclusion. In the event, the parliamentarians found that they were impotent in the face of the king's control over their very meeting, and the newly emergent Whigs were defeated in their exclusion program.

The Exclusion Crisis illustrates as much as any other episode in this era the strong association between religion and government. "Papists are enemies," explained Sir William Coventry, "not because they are erroneous in religion but because their principles are destructive to the government." "Popery in a great measure is set up for arbitrary power's sake," said another MP.<sup>51</sup> A Catholic king, many Englishmen felt, simply could not be trusted to govern in cooperation with, rather than in imperious domination over, his greater subjects. James in particular was odious to Protestants; they considered the heir to the throne to be popish, absolutist, and militaristic.<sup>52</sup> One pamphleteer stated that it is "too notoriously known, that the [Duke] hates our Parliaments with an implacable hatred . . . if he succeed[s], adieu to all Parliaments; [you must] expect to be ruled by force."<sup>53</sup> Aside from his behavior within English politics (soon to be chronicled), James' record of colonial governance bears out this negative contemporary assessment of him. As governor of New York he resisted the demand of the colonists for an assembly, and when he became king he eliminated it. Then he established a Dominion of New England under an all-powerful Governor-General, extinguishing the individual governments of Massachusetts, Rhode Island, Connecticut, and New Hampshire along with their assemblies. Even town meetings were severely restricted. These actions in New England are strong evidence of James' ingrained autocratic tendencies.<sup>54</sup>

Tim Harris explains the logic of the Whigs' position. A Catholic ruler, they argued,

would be compelled to govern in an arbitrary and despotic manner, after the fashion of Louis XIV of France, and ride roughshod over the interests of his subjects. . . . Unable to rely on the support and co-operation of his Protestant subjects, a Catholic monarch would have to abandon Parliament, and instead rule through a standing army. . . . [A] Catholic King would be forced as a matter of principle to attempt to undo the Reformation. . . . Again, this was something that could only be done by force. Government by a standing army would mean an end to the rule of law. It would also be

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<sup>51</sup> Miller, 122.

<sup>52</sup> Seward, 109.

<sup>53</sup> Harris, *Later Stuarts*, 86.

<sup>54</sup> W. A. Speck, *Reluctant Revolutionaries: Englishmen and the Revolution of 1688* (Oxford: Oxford University Press, 1988), 11-12.

expensive, and require such a heavy burden of taxation as to reduce [the] people to desperate poverty [and alienate them further].<sup>55</sup>

The Whigs were certain that James' reign would be marked by an "inflexible invincible enmity" between the king and his subjects. As king, the Catholic James would be "the mortal enemy of both us and our estates."<sup>56</sup>

The property issue was second to none in the minds of the Whigs. There was a fear among owners of former Church lands that their right to them would be insecure if James were to become king. More generally, warned Andrew Marvell, a switch from Protestantism to Catholicism as the official religion would "necessarily introduce a change of property. . . . It would make a general earthquake over the nation." Another author, David Clarkson, reiterated that "As soon as the papacy is admitted, all title and property is lost and extinct among us."<sup>57</sup>

The Tories, on the other hand, considered any tampering with the succession to be a derogation of the quasi-divine character of the office of king and therefore unthinkable, not to mention illegal. The English monarchy, they argued, was not elective. The Crown was the Duke of York's birthright, not a thing subject to negotiation, much less outright denial. In *Patriarcha*, a work written decades previously but not published until 1680, Sir Robert Filmer asserted that the king derived his authority from God, not from the community. Kings made Parliaments, not vice versa.<sup>58</sup>

#### 1681-1688

The Crown's income had been rising steadily through the 1670s, due mainly to a large increase in customs revenue resulting from a general growth in trade, and also to an improvement in the collection of taxes. Combined with a new fiscal sobriety on the king's part as well as Louis' subsidies, Charles' financial health by the beginning of the 1680s finally allowed him to do without Parliament for the rest of his reign.<sup>59</sup> Having vanquished Parliament and with it the exclusionist threat, Charles turned his attention to local government. He proceeded to consolidate his control by purging Whig and other opposition officeholders and by rewriting town charters such that local officials now had to be approved by the king. The Crown thereby elevated its Tory supporters to power throughout the country.<sup>60</sup> This power-grabbing campaign and the redoubled persecution of Catholics and Protestant dissenters that accompanied it is known to history as the Tory Reaction. Charles had finally ceased his open Catholicizing and thrown his full weight behind the Tory royalists,

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<sup>55</sup> Harris, *Later Stuarts*, 85-6.

<sup>56</sup> Elkanah Settle, *The Character of a Popish Successor*, 1681; *A Letter from a Person of Quality to His Friend Concerning His Majesty's Late Declaration*, 1681; in Ashcraft, 195.

<sup>57</sup> *An Account of the Growth of Popery and Arbitrary Government; The Case of Protestants in England Under a Popish Prince*, 1681; in Ashcraft, 202-3.

<sup>58</sup> Seward, 111-12; Miller, 253.

<sup>59</sup> Coward, *The Stuart Age*, 288, 293; Ashcraft, 19; Seward, 116.

<sup>60</sup> Coward, *The Stuart Age*, 292.

immeasurably strengthening the monarchy in the process. By the time he died in 1685 the Whig party was in ruins.

The Tories, having loudly trumpeted their cherished principle of hereditary succession come what may, upon Charles' death could hardly do otherwise than warmly welcome James to the throne, despite his Catholicism. The new, initially loyalist Parliament voted James funds for a standing army, a life grant of the Crown's hereditary revenues, and additional revenues from customs duties, all of these sources of money making the new king, like Charles II in his final years, financially independent of Parliament.<sup>61</sup> But, despite his solemn promises at the start of his reign to preserve and protect the Anglican Church "as by law established," James was soon appointing Catholics to positions of authority in the government, the universities, and the army, all in blatant violation of the Test Act. Hundreds of Catholic JPs were eventually placed in local office. In addition, James expended considerable energy personally trying to convert as many non-Catholics to Catholicism as he could.<sup>62</sup> When he met parliamentary opposition to his Catholicizing policy, he prorogued Parliament permanently. Then, having won a court judgment in June 1686 allowing him to set aside the Test Act in the case of one Catholic army officer, he felt free to disregard the act altogether and proceeded to promote many more Catholics to various positions of importance.<sup>63</sup> And all of this was occurring at the same time that Louis XIV's recent revocation of the Edict of Nantes in October 1685 was causing the Huguenots to flee France, many coming to England and retailing horrific accounts of anti-Protestant repression.

The Anglicans, having only recently been won over by the late king after he finally changed his religiously offensive tune, soon began to turn against James. In contrast to his somewhat ambivalent brother, James was a dyed-in-the-wool Catholic who apparently had no qualms about thoroughly antagonizing the nation's religious establishment and threatening its monopoly in worship, public office, and even education. He went so far as to make Magdalen College of Oxford a citadel of Catholicism, against the fierce resistance of the university's fellows.<sup>64</sup> And when the London clergy, led by Bishop Henry Compton, refused to cease an anti-Catholic propaganda campaign it was conducting, James responded by setting up a Commission of Ecclesiastical Causes (very much like Charles I's notorious Court of High Commission), which immediately suspended Compton from his bishopric. Strong opposition from Anglicans continued, however, leading James to abandon them altogether and instead quixotically attempt to forge an alliance with the dissenters. Accordingly, in April 1687 he issued his own Declaration of Indulgence suspending the penal laws and the Test Act and guaranteeing freedom of worship for all. He then stepped up his purge of Tories from local offices, replacing them with Catholics and dissenters.<sup>65</sup>

At the end of 1687 James launched a drive to elect a Parliament that would formally—and thus more securely—repeal the Test Act and the religious penal

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<sup>61</sup> Lovell, 390; Coward, *The Stuart Age*, 295.

<sup>62</sup> Coward, *The Stuart Age*, 296.

<sup>63</sup> Seward, 128-9.

<sup>64</sup> Jones, 120.

<sup>65</sup> Harris, *Later Stuarts*, 125-6.

laws. This involved a systematic inquest throughout the country whereby JPs and other local politicians were interrogated as to whether they would support the king in such a program. Those who refused—and many hundreds did—were dismissed and again replaced with more compliant upstarts. Understandably, the old gentry, which had hitherto dominated local office, considered these actions outrageous.<sup>66</sup>

On 27 April 1688 James issued a second Declaration of Indulgence and ordered the clergy to read it from their pulpits. Seven Anglican bishops petitioned the king requesting that he rescind the order. Not surprisingly, James refused to acquiesce. On the appointed Sunday few clergy read the Declaration. Thereupon the king, blaming the seven bishops for the broad defiance, had them arrested and tried in court for having published and distributed the offending petition. But on 30 June, to widespread rejoicing, the bishops were acquitted by the jury that heard the case.<sup>67</sup> Even many dissenters sided with the Anglican bishops at this turn of events. They understood that James was merely using them temporarily for his own political gain and could not be trusted in the long run to support their faith. They did not care to receive indulgence through cynical royal fiat, preferring instead "liberty by law."<sup>68</sup>

By this time the manifest danger James posed to the nation had reached such a level that the opposition leaders, both Whig and Tory, began to contemplate seeking the aid of William of Orange, the outstanding champion of European Protestantism. They had in mind an invasion force to overthrow James, and they took the bishops' acquittal and the public's enthusiastic response to it as a sign that their plan might well win the requisite degree of popular approval. So they now sent William their fateful invitation. Having profoundly alienated practically the entire political nation, James received almost no support when William landed, and militarily the invasion was a cakewalk. Many of James' own commanders were in on the conspiracy or in any case abandoned him. When it came time to make a stand, James decided instead to give up the fight and flee to France. Thus ended what many Englishmen considered to have been a most threatening experiment in Catholic tyranny.

## THE 1689 SETTLEMENT

### The Bill of Rights

A Convention Parliament met in January 1689, worked out a Declaration of Rights, and had it read to William and Mary (the latter being both William's wife and James I's daughter) before it offered the two of them the Crown, the tacit understanding being that they were to abide by its terms. The Declaration was then passed as a bill in December. The so-called Bill of Rights was not so much a list of abstract rights as a set of statutory provisions limiting the monarchy and empowering Parliament. Henceforth the king would not be allowed to dispense with or suspend laws as he saw fit. The arbitrary Court of

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<sup>66</sup> Seward, 132.

<sup>67</sup> Seward, 135; Harris, *Later Stuarts*, 128.

<sup>68</sup> Harris, *Later Stuarts*, 129.

Ecclesiastical Commission was declared illegal. Taxation was now to be only by parliamentary sanction. The Crown was no longer to keep a peacetime standing army without parliamentary consent. And Parliaments were to be held frequently "for redress of all grievances, and for the amending, strengthening and preserving of the laws."<sup>69</sup>

Not least important, the Bill of Rights established the terms of the royal succession, naming particular acceptable individuals in the short term and specifying that future monarchs must be Protestant with Protestant spouses, since "it hath been found by experience, that it is inconsistent with the safety and welfare of this protestant kingdom, to be governed by a popish prince, or by any King or Queen marrying a papist."<sup>70</sup> Since the new royal couple as well as their successor, Princess Anne, proved incapable of bearing long-lived children, Parliament in 1701 passed the supplementary Act of Settlement as "a further provision . . . for the succession of the crown in the protestant line, for the happiness of the nation, and the security of our religion." This Act arbitrarily endowed Princess Sophia of Hanover and her progeny, "being protestants," with the right of succession to the English Crown.<sup>71</sup> Many persons had a better hereditary claim to the throne, but they were not Protestant.<sup>72</sup> The final determination of the succession, says Colin Lovell, "was an outright assertion that Parliament was free to decide the matter as it thought best. . . . George, Elector of Hanover, became George I of Great Britain by . . . Act of Parliament, *and for no other reason.*"<sup>73</sup>

The placing for the first time of such explicit conditions on who would be allowed to govern England, opines Tony Claydon, "fundamentally redefined the monarchy. No longer a mystical status bestowed by divine power, kingship now looked like an ordinary public trust with clear duties and qualifications for exercising the office."<sup>74</sup> The Bill of Rights did not by any means reduce the king to a cipher. He could still choose his own ministers and make his own policy, especially in foreign affairs; he retained the formal power to summon and dissolve Parliament and the right to veto legislation; and he continued to control government patronage.<sup>75</sup> But these nominally enormous powers gradually became more theoretical than actual. Queen Anne's veto in 1708, for instance, was the last by a monarch in English history. As Christopher Hill puts it, "Any future ruler would at his peril defy those whom Parliament represented."<sup>76</sup> Similarly, Lovell concludes that though the king was not yet a mere figurehead at this time, Parliament was now confident "that in the exercise of the prerogative the crown would never act contrary to basic parliamentary opinion." "The aristocratic constitution, based on the Revolutionary Settlement

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<sup>69</sup> E. Neville Williams, *The Eighteenth-century Constitution, 1688-1815: Documents and Commentary* (London: Cambridge University Press, 1960), 29.

<sup>70</sup> Williams, 32.

<sup>71</sup> Williams, 57-8.

<sup>72</sup> Vernon Bogdanor, *The Monarchy and the Constitution* (Oxford: Clarendon Press, 1995), 7, 44.

<sup>73</sup> Lovell, 396.

<sup>74</sup> Tony Claydon, *William III* (London: Pearson Education, 2002), 70.

<sup>75</sup> Coward, *The Stuart Age*, 317; Harris, *Later Stuarts*, 134.

<sup>76</sup> Hill, *The Century of Revolution*, 277.

and on the sanctity of property, emphasized the supremacy of Parliament, whose control by landed and mercantile aristocrats made them willing to leave large powers in the possession of a subordinate crown."<sup>77</sup>

It has often been noted that, like Magna Carta, the Bill of Rights is hardly an impressive, much less an obviously revolutionary, manifesto, and that the Glorious Revolution did not in itself immediately or utterly transform English government in its entirety.<sup>78</sup> Certainly kingship as such remained intact. Nonetheless, by the early 1700s the constitution was indeed fundamentally changed. A "real shift in the constitutional balance of power" had occurred, with Parliament having gained legislative sovereignty in the state.<sup>79</sup> It now made and unmade kings, proving its ultimate superiority over them.<sup>80</sup> It had finally become a frequently held, permanent, and decisive part of government, not just an irregular and often powerless convocation at the whim of the monarch. It was transformed, says W. A. Speck, from an event into an institution. Moreover, "The spirit of a constitution is not confined to documents. While the letter of the law might not have changed greatly, the whole attitude of and towards government altered drastically." Beyond specific laws, there were now "revolution principles" to be adhered to.<sup>81</sup> There can hardly be a better or more pithy summary of the long struggle than that by Rebecca Fraser: "During eighty years of convulsion and upheaval, driven by religious conviction, Englishmen struggled to decide whether the king's will should be supreme or Parliament's. It took a bloody civil war, a republican experiment after the execution of one king, then the deposition of another, to settle the question permanently in Parliament's favour."<sup>82</sup>

#### War and finance

Even disregarding constitutional formulations, there were two factors that after the Glorious Revolution made Parliament an indispensable institution in the English political system. One was the war that was soon launched against France, which (as explained in Appendix F) was the main reason for William's invasion of England in the first place. It was a tremendously expensive endeavor, requiring constant and heavy funding of a kind only Parliament could provide. The protracted war thus guaranteed that Parliament would be kept in being for many years to come. The second factor was the refusal by the Convention to grant the new monarchs a guaranteed, perpetual, or adequate income. This ensured that kings and queens would henceforth be financially dependent upon Parliament. The Tory Sir Thomas Clarges had advised that "we ought to be cautious of the revenue, which is the life of the government, and consider the last two reigns." Colonel John Birch added that "Our greatest misery was, our giving it to king James for life, and not [periodically and

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<sup>77</sup> Lovell, 415, 459.

<sup>78</sup> E.g. Wilfrid Prest, *Albion Ascendant: English History, 1660-1815* (Oxford: Oxford University Press, 1998), 63.

<sup>79</sup> Prest, 64.

<sup>80</sup> Harris, *Later Stuarts*, 140; Lunt, 461.

<sup>81</sup> Speck, 246, 164.

<sup>82</sup> Fraser, 313.

conditionally]."<sup>83</sup> From the Glorious Revolution onward the Crown would need yearly grants from Parliament to function; no king could ever again hope to be financially independent. Indeed, there has been a parliamentary session in England every year since 1689.

An important and related development was the introduction in 1694 of the national debt, or public credit, along with the founding of the Bank of England. These actions and their ramifications constituted the so-called financial revolution. Previous monarchs had borrowed money in the manner of private individuals, using their considerable but still quite limited royal assets as security. But the borrowing of the post-Revolution Crown was underwritten by Parliament, with the interest on the debt being secured through specific taxes levied on the entire country. The resulting confidence on the part of lenders meant that the government could now borrow vastly larger sums of money. But it could do so only as long as Parliament's backing of loans and its guarantee of government creditworthiness were constant. Furthermore, all Bank lending required parliamentary approval.<sup>84</sup> Hence, once again, the absolute necessity of regular Parliaments.

Given the new financial relationship between Crown and Parliament, a degree of oversight of government expenditure by the latter became inevitable. "By the end of Anne's reign," notes Hill, "the Treasury was as a matter of routine drawing up annual budgets for submission to Parliament."<sup>85</sup> And since expenditure was so closely tied to foreign and military policy, Parliament naturally gained some say in these areas as well, for example regarding treaties proposed by the Crown.<sup>86</sup>

#### THE POLITICAL IDEOLOGY OF JOHN LOCKE AND THE WHIGS

The contest between supporters and opponents of the monarchy during the Restoration period took place as much in the realm of ideas as in the strictly political sphere. Certainly the ideology of the Whigs helps explain the elitist nature of the proto-republican regime that resulted from the Glorious Revolution.

##### Divine right

As noted earlier, religious conservatism, and with it divine right theory, made a comeback in the Restoration period, with orthodox writers expressing unqualified support for the monarchy. Authors like Samuel Parker rehashed long-held ultra-monarchical notions such as the sovereign monarch's will in society—like the father's will within the family—being absolute. "[T]he first governments in the world were established purely upon the natural right of paternal authority, which afterward grew up to [i.e. evolved into] a kingly power

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<sup>83</sup> Coward, *The Stuart Age*, 316.

<sup>84</sup> Coward, *The Stuart Age*, 336; Coward, *The Stuart Age*, 414-15; Harris, *Later Stuarts*, 134.

<sup>85</sup> Hill, *Century of Revolution*, 278.

<sup>86</sup> Coward, *The Stuart Age*, 416-17.

by the increase of posterity."<sup>87</sup> Absolute monarchy was thus perfectly natural and proper. For Parker it was pretty much as simple as that. Robert Filmer had written that sovereign authority in England lay with the monarch, and that his authority could not be constrained by either the people, their representatives, or existing law. The king's will was the highest law; it was irresistible. The Restoration royalists as a whole fully concurred with these teachings before the troubling phenomenon of James II compelled them to reconsider. They insisted that kings ruled by the direct command of God, through the mechanism of indefeasible hereditary succession.<sup>88</sup> A Cambridge University address to Charles II in 1681 unequivocally stated: "We still believe and maintain that our kings derive not their title from the people but from God; that to Him only they are accountable; that it belongs not to subjects either to create or to censure, but to honour and obey their sovereign, who comes to be so by a fundamental hereditary right of succession, which no religion, no law, no fault or forfeiture can alter or diminish."<sup>89</sup>

Yet conservatives did not advocate absolute monarchy only out of reverence for the king. At least as crucially, they were terrified of property-threatening popular rule, which was the overwhelming menace the respectable community felt it had faced in the 1640s and 50s. It was assumed that unadulterated kingly supremacy was the most secure bulwark against this nightmare scenario. For with subjects held in thrall by the imperative of total and unconditional obedience to the king—and, by extension, to patriarchal authority in general—the hierarchical status quo would be safe, since "men of substance regarded rank, degree and order as the essential means of preserving their privileges."<sup>90</sup>

The only problem with this strategy of glorifying and advocating absolute monarchy was that, although in such a polity the men of property were pretty much safe from the teeming masses below them, since the Crown was sure to keep the poor properly subdued, the rich themselves were ultimately at the mercy of an arbitrary king just like everyone else. Normally, of course, the monarch could be expected to uphold existing property relations: the last thing the Anglican royalists—the future Tories—could have anticipated was that the king would ever be a danger to *them*. They would concede, H. T. Dickinson explains, that a king "might occasionally act in an oppressive fashion or might betray unjustified hostility to particular individuals, but it was regarded as highly unlikely that any king would pose a permanent threat to the privileges and property of the governing classes or that he would endeavour to ruin the whole country."<sup>91</sup> In other words, the conservatives never dreamed of encountering a James II who would force them to choose between their monarchist principles and their material and class interests.

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<sup>87</sup> *Discourse of Ecclesiastical Polity*, 1669, in Ashcraft, 45.

<sup>88</sup> H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (New York: Holmes and Meier, 1977), 15.

<sup>89</sup> Dickinson, 20.

<sup>90</sup> Dickinson, 16, 21.

<sup>91</sup> Dickinson, 26.



### Natural law and property

As Charles II's reign progressed and especially as it became clear that the Catholic Duke of York would be the next king, the Whig critics of the regime challenged divine right monarchy by reviving and further developing the relatively new, alternative theoretical basis for government previously held by the Levellers—that of natural law. Leading Whigs believed (or at least claimed to believe) that the "mixed constitution" of king, Lords, and Commons was an ancient one. There had never been a time in England, they professed, when there was not a Parliament much like the one extant in the seventeenth century. But rather than rely solely on this dubious history to ground their advocacy of limited government, the Whigs turned increasingly to reason and the law of nature, i.e. to natural law theory. Thomas Hunt, for instance, asserted that God gave "to all mankind . . . the Law of Nature. . . when they were in a state of nature, before governments were constituted, and by that Law of Nature [men were] obliged to form themselves into societies, to enter into mutual obligations."<sup>92</sup> And the type of polity sanctioned by the law of nature was certainly not absolute monarchy.

Characteristic of natural law thinking (which is still widely engaged in today) is the conception that certain realms of life are sacrosanct, not to be intruded upon by any collective human agency whatsoever, least of all by government. We have seen this in the case of the Levellers' position on religious freedom. The Whigs of the late seventeenth century were no less passionate than the Levellers about religious "toleration." The magistrate, John Locke argued in his 1667 *Essay on Toleration*, cannot interfere with a man's beliefs and worship practices; these have "an absolute and universal right of toleration." They are matters "wholly between God and me."<sup>93</sup> Locke further argued, in a 1681 manuscript he coauthored with his close colleague James Tyrrell, that parliamentary statutes can legitimately make laws on civil matters, but not on matters of religion.<sup>94</sup> Robert Ferguson similarly insisted that religious toleration was "a right settled upon mankind antecedent to all civil government and human laws, having its foundation in the Law of Nature, which no prince or state can legitimately violate and infringe."<sup>95</sup>

The problem with natural law thinking, as alluded to in the previous chapter, is that ultimately the choice of which areas to set aside as inviolable is an arbitrary judgment. For the Whigs, natural law theory was useful not only in defending religious toleration but also in defending private property. Initially and understandably they wished to protect themselves and their property from the depredations of a tyrant such as James was thought likely to be once he became king. But in the course of expounding their anti-absolutist program they elevated property to the be-all and end-all of political society. Locke's exposition of this position in his *Two Treatises on Government* (published after

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<sup>92</sup> *The Great and Weighty Considerations relating to the Duke of York*, 1680, in Ashcraft, 191.

<sup>93</sup> Ashcraft, 95.

<sup>94</sup> Ashcraft, 496.

<sup>95</sup> *A Representation of the Threatening Dangers*, 1688, in Ashcraft, 483.

the Revolution but written around 1682) is the best known, but there can be little doubt that his veneration of property was shared by most others of his class.

While Locke himself was a gentleman and a landed proprietor, he was also a very close friend and associate of Anthony Ashley Cooper (the Earl of Shaftesbury), one of the wealthiest landowners in England and a leading Whig politician. Locke served as the earl's political secretary and adviser. Aside from Ashley's directly political activities, he was deeply involved in promoting trade, both in government and in his personal business—he was the owner of slave ships and overseas plantations. Both Ashley and Locke were very much interested in the improvement of the techniques of land cultivation, for they viewed land primarily as a source of profit for the landowner.<sup>96</sup> Like Locke, Ashley was a leading exponent of toleration and a committed defender of parliamentary authority. He was thus, says Maurice Cranston, "the complete progressive capitalist in politics; he might almost have been invented by Marx."<sup>97</sup> K. H. D. Haley calls him "a representative of the rising new capitalistic forces in society."<sup>98</sup>

Locke's intimate and active association with men such as Ashley was an important factor in the fashioning of his political philosophy. Locke, says Cranston, "learned from Shaftesbury to identify the interests of the nation with those of its investing and trading class. . . . Locke might therefore be considered a member of the investing class whose interests his economic writings signally upheld."<sup>99</sup> And those interests can be labelled, broadly, the rights of property. Locke states explicitly and repeats incessantly in his *Second Treatise* that the chief end of society and government is the preservation of property. "It is from this proposition," notes C. B. Macpherson, "that most of Locke's conclusions about the powers and limits of civil society and government are drawn."<sup>100</sup>

Staunch royalists denied that subjects possessed absolute property rights, for they held that the king owned the kingdom and everything in it.<sup>101</sup> In such an ideological climate the property of individuals was obviously insecure. The Whigs therefore set out to defend property theoretically. The end result of their intellectual efforts was something even more encompassing: a defense of elite versus kingly rule.

The Whig theorists started with the assumption that in the beginning, in the original state of nature, mankind held property in common. Yet at some future point still in the state of nature, land ended up in private hands. How did this happen? It was the result, wrote Tyrrell, of the necessarily *individual* use of parcels of land by men in order to satisfy their *individual* natural needs. "[W]hen once any man had by his own labor acquired such a proportion of [land or its fruits] as would serve the necessities of himself, and family, they became so much his own, as that no man could without manifest injustice rob him of

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<sup>96</sup> John Marshall, 176, 267.

<sup>97</sup> Maurice Cranston, *John Locke: A Biography* (London: Longman, 1966), 107.

<sup>98</sup> quoted in Ashcraft, 82.

<sup>99</sup> quoted in Ashcraft, 84.

<sup>100</sup> C. B. Macpherson, *The Political Theory of Possessive Individualism, Hobbes to Locke* (Oxford: Oxford University Press, 1964), 198.

<sup>101</sup> Ashcraft, 252.

these necessities of life," which were now his "personal possessions."<sup>102</sup> Once civil society was established, the quite reasonable arrangement of the private possession of property prevailing at the end of the state of nature was given social sanction. From then on "no man can disturb the general peace of human society [i.e. its settled private property relations] . . . without transgressing the natural law of God."<sup>103</sup>

Locke's reasoning is similar but a little more elaborate. He asserts that

every man has a property in his own person. This no body has any right to but himself. . . . Whatsoever then he removes out of [its natural state] . . . he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property . . . [and this] excludes the common right of other men. . . . Thus the grass my horse has bit; the turfs my servant has cut; and the ore I have digg'd in any place where I have a right to them in common with others, become my property, without the assignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my property in them. . . . As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. He by his labour does, as it were, inclose it from the common.<sup>104</sup>

Locke complicates his argument by mentioning his servant, for how does the turf, which by Locke's own reasoning is his servant's property since it is he who cut it, become Locke's? But disregarding this problem, his overall reasoning is unconvincing. To say that a person "owns" his labor, and that therefore anything he applies it to is his (fruits or minerals by collecting them, land by planting and cultivating it), is in practice to say that he can have whatever he wants by simply finding it—"I got here first!"—and appropriating it—"It's mine!"—as long as it is not specifically claimed beforehand by any other individual. Locke thus endorses inviolable possession of all property, including land and natural resources, by dint of mere discovery and occupation, which, one can counter, are hardly sufficient grounds for the kind of airtight, hallowed title he is trying to rationalize, at least not in the adult, civilized world.

In the above theoretical scenario, Locke is imagining a completely wild state, but in reality practically no one lives alone in the middle of a wilderness or is able to go to one to claim a piece of it. Indeed, very little pristine, completely uninhabited wilderness has existed for the past several hundred years, including in Locke's day. When one lives with neighbors in a community, which of course is the norm, the mode of land ownership—however it originally arose—is very much a social concern. In short, Locke's case for private property is at best highly questionable, at worst fatuous. It can be claimed with at least as much justification that all land is rightfully the common property of the community, which *if it wishes* might allow individual use of it. On this view it is communal ownership, not unrestricted private ownership, that is the "law of nature."

<sup>102</sup> *Patriarcha non Monarcha*, 1681, in Ashcraft, 255.

<sup>103</sup> Ashcraft, 257.

<sup>104</sup> John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 287-91. (*Second Treatise*, sect. 27-32.)

And yet private property is the bedrock of Locke's political philosophy. He goes on to justify money, inequality of possessions, markets, and acquisitive commerce—"The chief end of trade is riches and power which beget each other"—as private property's logical and necessary concomitants.<sup>105</sup> Thus both private property and capitalism itself are, as Macpherson puts it for him, "emanation[s] of the natural purposes of men"—natural rights requiring no approval from, nor capable of being abrogated by, society.<sup>106</sup> They exist prior to society and government; indeed these are formally entered into *for the sole purpose* of making the acquisition of property easier and its private possession safer than they were in the state of nature. The legitimate function of both civil society and government is, in the Lockean view, limited to the protection of private property in its unequally distributed state; they have no other proper aim.<sup>107</sup> It should therefore not be surprising that Locke never displayed the least concern about wealth inequality or poverty—both of which were of course rampant in the England of his day—or expressed any interest in having anything done about them.

#### Natural law and elite rule (vs. monarchy)

Unlike the Tories, the Whigs did not start from a blind belief in absolute monarchy. They therefore did not need the overwhelming shock of an actual Catholic king to see the danger that an arbitrary Crown could pose to their well-being. Even before James' ascendancy they had come to believe that they and their property would be safe only under a limited monarchy in which a legislative assembly consisting of men of their class played a preponderant role.

While the Whigs usually denied that the English monarchy was or ever had been absolute, they nonetheless argued abstractly that monarchy of the absolute type had long since outlived its usefulness as a form of government. It had been adequate at the dawn of human history, when, says Locke, the "equality of a simple poor way of living . . . made few controversies and so no need of many laws to decide them"—when, therefore, only a simple chief was needed to lead the typical small community's warriors against its external enemies. But with the progress of civilization and the development of complex economies there arose differential ownership of property and other "controversies."<sup>108</sup> Legislation then became so complicated, wrote John Pettus, that "there was a necessity to constitute a supreme council of the chiefest and wisest men selected from the multitude." Another author wrote that as government became more intractable and burdensome it became necessary "to distribute some part of [the king's] power" to the people at large.<sup>109</sup> A number of other contemporary writers agreed that absolute monarchy was obviously inappropriate to the era in

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<sup>105</sup> Locke, in Macpherson, 207.

<sup>106</sup> Macpherson, 210.

<sup>107</sup> Macpherson, 218.

<sup>108</sup> Locke, *Second Treatise*, 339 (sect. 107).

<sup>109</sup> *The Constitutions of Parliaments in England* (1680); *Three Great Questions Concerning the Succession and the Dangers of Popery* (1680); in Ashcraft, 216.

which they lived.<sup>110</sup> All Whigs, then, were of the opinion that a superior form of government was needed, one in which the single monarch would be institutionally complemented by a collection of good men from among his subjects. Mankind had outgrown primitive monarchy.

Since to Locke the problem with the state of nature was precisely that in it every man was "judge in his own case," i.e. lawless, then for one property owner—the king—to be made immune from the social discipline imposed on all other men by a "known authority" would be completely to defeat society's purpose. "For he being supposed to have all . . . power in himself alone, there is no [authoritative] judge to be found" to whom anyone injured by him may appeal.<sup>111</sup> To suppose that men quit the state of nature to enter into society under such inequitable conditions "is to think men are so foolish that they take care to avoid what mischiefs may be done them by pole-cats, or foxes [i.e. their neighbors], but are content, nay think it safety, to be devoured by lions [i.e. kings]." To avoid this danger it is necessary to lodge ultimate power "in collective bodies of men, call them senate, parliament, or what you please," rather than in monarchs. Then all men will be equally subject to the law.<sup>112</sup>

But it must be understood—and there is no question about this whatsoever—that when Locke and other Whigs spoke of "men" or "people" in reference to the political process they had in mind strictly men of property. Tyrrell explains that "when I make use of the word people, I do not mean the vulgar or mixt multitude, but . . . [rather] free men and women, especially the fathers and masters of families."<sup>113</sup> Ordinary people are to have no direct role in government. Hence instructions from humble constituents to exalted representatives are deemed out of order.<sup>114</sup> One commentator held that "to send threatening letters, and authoritative orders and commands, to those in whom we have lodg'd the supreme powers of legislation; and, after that, to come up by the thousands; to beset their House . . . is an unexampled piece of licentiousness, tending to a total dissolution of government."<sup>115</sup> MPs, says Dickinson, "insisted that they were elected because of their wealth, status and abilities, which were all superior to those of most voters. That being the case it was sheer nonsense for the electorate to seek to dictate to them. . . . [The constitution favored by the Whigs] was in fact essentially aristocratic: it gave power to a narrow oligarchy largely composed of substantial landowners."<sup>116</sup> A pamphlet printed in 1660 but no less relevant in the 1680s stated frankly that

This island . . . is . . . governed by the influence of a sort of people that live plentifully and at ease upon their rents, extracted from the toil of their tenants and servants, each . . . of whom within the bounds of his own estate acts the prince. . . . They sit at the helm in the supreme council; they

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<sup>110</sup> E.g. William Temple, *An Essay upon the Original and Nature of Government* (1680), in Ashcraft, 218.

<sup>111</sup> Locke, *Second Treatise*, 326 (sect. 90-91).

<sup>112</sup> Locke, *Second Treatise*, 328-9 (sect. 93-4).

<sup>113</sup> *Bibliotheca Politica* (1694), in Dickinson, 88.

<sup>114</sup> Dickinson, 101-2.

<sup>115</sup> Dickinson, 157 (written in the *London Journal* in 1733).

<sup>116</sup> Dickinson, 158.

command in chief at sea and land; they impose taxes and levy it by commissioners of the same quality. Out of this rank select we sheriffs, Justices of Peace and all [judges] . . . [and in parliamentary elections the voters] are managed by them as the horse by his rider.<sup>117</sup>

#### Natural law and parliamentary power

Having established theoretically the rule of society's elite in place (ultimately) of a king, the Whigs did not by any means intend that a government so constituted should have unlimited power, for to them the purpose of men erecting a government was not so much to place unfettered sovereignty in any particular hands as to enshrine and ensure the honoring of natural law precepts, which boil down to property right.

The great and chief end [says Locke] . . . of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property. To which in the state of nature there are many things wanting. First, there wants an establish'd, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between [men]. . . . Secondly, in the state of nature there wants a known and indifferent judge [elsewhere: "umpire"], with authority to determine all differences according to the established law. . . . Thirdly, in the state of nature there often wants power to back and support the sentence when right, and to give it due execution.<sup>118</sup>

In another, slightly different formulation, Locke makes it even clearer that the purposes of his state are purely internal policing and external defense. The state does not actually determine the *fundamental* laws, i.e. those of property; it just enforces them. When Locke occasionally mentions the "making" of law he is referring merely to the setting of penalties for violations of preexisting law. There is no true legislation in his ideal state.

And thus the commonwealth comes by a power to set down, what punishment[s] shall belong to the several transgressions . . . committed amongst the members of that society, (which is the power of making laws) as well as . . . the power to punish any injury done unto any of its members, by any one that is not of it, (which is the power of war and peace); and all this for the preservation of the property of all the members of that society, as far as is possible. . . . And herein we have the original of the legislative and executive power of civil society, which is to judge by standing laws how far offences are to be punished, when committed within the commonwealth; and also to determine . . . how far injuries from

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<sup>117</sup> Hill, *Century of Revolution*, 222.

<sup>118</sup> Locke, *Second Treatise*, 350-52 (sect. 123-7).

without are to be vindicated, and in both these to employ all the force of all the members when there shall be need.<sup>119</sup>

Locke is emphatic that government is to be guided not by human will but by divine law. Likewise, the issue of the precise form of government (which answers the question Who rules?) is strictly subordinate to that of the government's—*any* government's—performance of its natural law function.

Though the legislative . . . be the supreme power in every commonwealth; yet . . . [t]he obligations of the law of nature, cease not in society. . . . Thus the law of nature stands as an eternal rule to all men, legislators as well as others. [Man-made rules must] be conformable to the law of nature, i.e. to the will of God, of which that is a declaration. . . . Absolute arbitrary power, or governing without settled standing laws, can neither of them consist with the ends of society and government, which [are] . . . to preserve [men's] lives, liberties and fortunes; and by stated rules of right and property to secure their peace and quiet. It cannot be supposed that [men intended] to give to any one . . . an absolute arbitrary power over their persons and estates. . . . And therefore whatever form the commonwealth is under, the ruling power ought to govern by declared and received laws. . . . [T]he supreme power cannot take from any man any part of his property [even through taxation] without his own consent. For the preservation of property [is] the end of government.<sup>120</sup>

Locke and his fellow Whigs were classical liberals, people whom today we would call libertarians. They championed the minimal state, whose only legitimate function is the physical protection of individuals and their possessions.<sup>121</sup> Needless to say, any kind of comprehensive economic or social regulation, much less any concerted program of property redistribution or alteration of class relations, was anathema to them. But, as we have seen, seventeenth-century Parliaments had little if any interest in such reformist activities anyway. They were assemblies of landowners and proto-capitalists. It was precisely this kind of legislature, rather than an absolute king, that the Whigs wanted in control of the state. (Of course in the real world governments do all kinds of things besides directly protect the elite's property; regardless of any theoretical restrictions their powers are in practice almost limitless. But the Whigs were correct to assume that a government *of* rich men would by and large be a government *for* rich men.)

Given, then, the centrality of Parliament in the Whigs' governmental scheme, Charles' repeated prorogations and dissolutions of that body around the time of the Exclusion Crisis, such as to render it useless, constituted for them a mortal assault on their most treasured rights as subjects. In *Vox Populi: Or, the People's Claim to Their Parliaments Sitting* (1681), the author asserts that "Parliaments ought frequently to meet for the common peace, safety and benefit

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<sup>119</sup> Locke, *Second Treatise*, 324-5 (sect. 88).

<sup>120</sup> Locke, *Second Treatise*, 357-60 (sect. 135-8).

<sup>121</sup> Cranston, 211.

of the people," especially to redress grievances. The prevention of their meeting to attend to this vital work "is expressly contrary to the common law, and so consequently of the Law of God as well as the Law of Nature, and thereby violence is offered to the government itself, and infringement of the people's fundamental rights and liberties." In *A Just and Modest Vindication of the Proceedings of the Two Last Parliaments*, Robert Ferguson noted "the amazement which seized every good man, upon the unlooked for dissolution of two parliaments within three months. . . . [A]bruptly to dissolve parliaments at such a time, when nothing but the legislative power . . . could relieve us from our just fears or secure us from our certain dangers, is very unsuitable to the great trust reposed in the prince."<sup>122</sup> Edmund Hiceringill agreed that if the king dissolved Parliaments "as he list and when he list, without redress of grievances, then the fundamental Constitution" was undermined. Yet another radical, Henry Booth Delamere, observed that "When parliaments are not suffered to meet and sit according to the usual times that the law or necessity of affairs do require," then government becomes "entirely despotic."<sup>123</sup> The ruler thereby brings about a state of war between himself and his subjects.

Some writers pointed out that, as a matter of constitutional procedure, the king's prerogative power of summoning and dismissing Parliaments was not a license given him arbitrarily to toy with the meeting of the nation's representative assemblies. It was a heraldic, not a sovereign, function. Since Parliaments in this age were not expected to sit continually or according to a preset schedule, some person or other had to summon them when circumstances required their convening. "For the power of calling and dissolving Parliaments," said Ferguson, "is not a prerogative of the Crown, in the virtue of which [the king] may do in this matter as he pleaseth; but it is only an honorary trust, reposed in him, which he is obliged to apply and use for the good of his subjects."<sup>124</sup> Locke was especially clear on this point. "The power of assembling and dismissing the legislative, placed in the executive, gives not the executive a superiority over it, but is a fiduciary trust, placed in him, for the safety of the people, in a case where the uncertainty, and variableness of human affairs could not bear a steady fixed rule."<sup>125</sup> Such prerogative, Locke maintained, "is nothing but the power of doing public good without a rule . . . [to be exercised] as might . . . best suit the ends of Parliaments."<sup>126</sup>

In sum, after having struggled with the problem of monarchy for centuries and having only a few decades before fought the king literally to the death, the most advanced sector of the English elite came in the late seventeenth century to the theoretical conclusion—in time to be made the actual state of affairs—that if the great men of the realm were to have a king at all, he would not be their sovereign but only their executive officer. It was members of the upper class themselves who must occupy the paramount seats of power and thereby be able to safeguard their own collective interests—the interests of property. The

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<sup>122</sup> Ashcraft, 316-17.

<sup>123</sup> Ashcraft, 318.

<sup>124</sup> Robert Ferguson, *An Impartial Enquiry into the Administration of Affairs in England*, 1684, in Ashcraft, 335.

<sup>125</sup> Locke, *Second Treatise*, 371 (sect. 156).

<sup>126</sup> Locke, *Second Treatise*, 378 (sect. 166-7).



institution that embodied this class and that after four hundred years of evolution could be trusted to carry out this function was none other than Parliament. The transformation was not instantaneous in 1688, but the theoretical foundation had been solidly laid.

#### THE ALTERNATIVE POLITICAL PHILOSOPHY OF THOMAS HOBBS

Thomas Hobbes was a generation older than John Locke. He was a royalist, while Locke, the designated ideologue of the Glorious Revolution, was, if not an outright republican, at least opposed to absolute monarchy. Moreover, in an early study of Thucydides' *History*, Hobbes had roundly criticized the Athenian democracy. And yet, paradoxically, Hobbes' thinking contains more of the fundamental elements of a democratic ideology than that of Locke, who was no democrat at all.

#### Background

Hobbes spent his adult life in the employ of great royalist households, mainly as the tutor and companion of their young men. At one point he was the mathematics tutor of the Prince of Wales, the future Charles II. From well before the Civil War Hobbes was an ardent monarchist, having defended absolute monarchy in his 1640 *Elements of Law*.<sup>127</sup> Indeed, being a royalist, he felt himself to be in such danger upon the ascendancy of the Long Parliament that he fled to France (he returned to England in 1652).

Yet, in religion, Hobbes was anti-Catholic and for all practical purposes an atheist. Moreover, intellectually he had no use whatever for the ethereal political notions of either the divine right of kings or natural law. He was so unorthodox, in fact, that he attracted the hostility of all the official guardians of knowledge and morality during the Cromwellian and the Restoration periods: the Presbyterian Church, the universities, the Catholic Church (in France), and the Church of England.<sup>128</sup> His evident iconoclasm has led in recent times to his being called "a radical in the service of reaction."<sup>129</sup>

#### The state of nature and natural law

It is important to recognize from the outset that though Hobbes, like Locke, speaks of a "state of nature," he means by this term something very different. For Hobbes the state of nature is not a hypothetical condition in the mystical past or a mere ephemeral starting point from which civilization evolved, quickly leaving it behind. Rather it is a reference to the way humans "naturally" are, to "the natural condition of mankind" even in the present.<sup>130</sup> The state of nature for Hobbes, says Macpherson, "is a logical abstraction drawn from the behaviour of

<sup>127</sup> A. P. Martinich, *Hobbes: A Biography* (Cambridge: Cambridge University Press, 1999), 161.

<sup>128</sup> Conal Condren, *Thomas Hobbes* (New York: Twayne, 2000), 8.

<sup>129</sup> Zagorin, 186; Arnold A. Rogow, *Thomas Hobbes: Radical in the Service of Reaction* (New York: Norton, 1986), 9.

<sup>130</sup> Macpherson, 25.

men in civilized society. . . . Hobbes has got at the 'natural' proclivities of men by looking just below the surface of contemporary society." And these proclivities, if not somehow mitigated, result in a state of internecine war.<sup>131</sup> Thus, whereas Lockean philosophy presents the anarchic and atomized state of nature as the desirable but unfortunately impractical ideal (a sort of Garden of Eden), and society along with government as the repugnant but necessary reality (the fallen world), the Hobbesian paradigm completely reverses these valuations. To Hobbes it is the state of nature that is the baleful condition, a condition that, mercifully, is superseded by the *wholesome* introduction of society and government.

Similarly with the "law of nature": Locke and Hobbes are using the same expression but with completely different meanings. Hobbes has no use for this concept in the sense used by Locke and others, for he rejects the notion of the existence of a transcendent order where true and correct standards for society originate. In a most radical departure from conventional thought up to his time, Hobbes' philosophy is utterly anthropocentric. To him humans make their social and moral worlds by themselves.<sup>132</sup> Indeed, Hobbes is a philosophical subjectivist (much like Protagoras had been), as he makes plain: "[W]hatsoever is the object of any man's appetite or desire, that is it which he for his part calleth good; and the object of his hate and aversion, evil. . . . For these words of good [and] evil . . . are ever used with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves."<sup>133</sup>

Hobbes sees clearly that societal moral and legal standards are a purely human construct. There is nothing sacrosanct about laws; certainly they do not exist independently of human will. They are merely the dictates of particular authorities in particular states at particular times. Law is "the word of him that by right hath command over others."<sup>134</sup> "[T]here are no authentical doctrines concerning right and wrong, good and evil, besides the constituted laws in each realm and government."<sup>135</sup> In a passage at the end of his famous description of human beings' natural state of war, Hobbes emphasizes the futility of seeking something called "justice" without reference to society's or rulers' decisions about it. In other words, the resolution of contention over what people should or should not do is necessarily a social phenomenon, not a matter for abstract cogitation on the part of individual thinkers or moralists:

To this war of every man against every man, this is also consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice, have there [in an atomized, asocial state of nature] no place. Where there is no common power, there is no law; where no law, no injustice. . . . Justice and injustice are none of the faculties neither of the

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<sup>131</sup> Macpherson, 26.

<sup>132</sup> Zagorin, 169.

<sup>133</sup> Thomas Hobbes, *Leviathan*, ed. A. P. Martinich (Peterborough, Ontario: Broadview, 2002), 42 (6.7).

<sup>134</sup> Hobbes, *Leviathan*, 119 (15.41).

<sup>135</sup> Bernard Gert, ed., *Man and Citizen: Thomas Hobbes's De Homine and De Cive* (Gloucester, Mass.: Peter Smith, 1978), 98. (Hobbes, *De Cive*, preface.)

body nor mind. If they were, they might be in a man that were alone in the world, as well as his senses and passions. They are qualities that relate to men in society, not in solitude.<sup>136</sup>

For Hobbes, any meaningful reference to the "laws of nature" cannot be to some objective reality exterior to man—that is, to a realm outside the universe of human cognizance—since by definition no such territory can be known. When he uses the phrase at all—in contrast to "civil laws," which he considers to be the only laws properly so called—he is referring to something much more mundane: "conclusions or theorems" or "the dictate[s] of right reason," arrived at by people in the course of using their intelligence to solve their earthly problems. Such "laws" are not, says Hobbes pointedly, "infallible facult[ies]."<sup>137</sup> Edwin Curley's amusing description of Hobbes' use of the term is as good as any: "[W]e should not, strictly speaking, think of Hobbes' laws of nature as *laws*. . . . [W]e should think of them as a kind of hypothetical imperative, advice about how to obtain your ends, apparently on a par with 'if you wish to become a good burglar, study carefully the habits of the people whose homes you intend to break into.'"<sup>138</sup>

#### The nature of man and the state

Hobbes recognizes that humans are generally ambitious and that they are potentially ruthless and dangerous creatures: "[The] general inclination of all mankind [is] a perpetual and restless desire of power after power that ceaseth only in death. . . . Competition of riches, honour, command, or other power inclineth to contention, enmity, and war, because the way of one competitor to the attaining of his desire is to kill, subdue, supplant, or repel the other."<sup>139</sup> Unrestrained and unregulated, man's competitive nature leads to chronic, violent conflict in society. In its extreme manifestation, as he famously expresses it, this human condition is a veritable "war of all men against all men," in which there is "continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short."<sup>140</sup>

And yet Hobbes does not, as we might expect someone who propounds the above analysis to do, blame people themselves (i.e. human nature) for the problem of fierce contention among them. The essential problem is not with people as such, imperfect though they certainly are, but rather with the broader relations of power under which they live, i.e. the political system or the lack thereof. "The [destructive] desires and [selfish] passions of man are in themselves no sin. No more are the actions that proceed from those passions till they know a law that forbids them; which, till laws be made, they cannot know; nor can any law be made till they have agreed upon the person that shall make

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<sup>136</sup> Hobbes, *Leviathan*, 97 (13.13).

<sup>137</sup> Hobbes, *Leviathan*, 119 (15.41); Hobbes, *De Cive*, 123 (II, 1).

<sup>138</sup> Preface to a different edition of *Leviathan* than that used here: Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett, 1994), xxxi.

<sup>139</sup> Hobbes, *Leviathan*, 75-6 (11.2-3).

<sup>140</sup> Hobbes, *De Cive*, 118 (I, 12.); *Leviathan*, 96 (13.9).

it."<sup>141</sup> And here is where people, despite themselves, can make use of their reason to figure out how to attenuate the destructive inclinations of their nature, in other words how to protect themselves from each other. The solution Hobbes proffers is that people should agree to set up an overarching, unitary authority, a "sovereign"—a person, council, or assembly—that then has untrammelled power over all people and serves "to keep them in awe and tie them by fear of punishment to the performance of their covenants and observation of [the] laws."<sup>142</sup> By doing this, people put themselves into society and quit the state of nature. (For convenience, and also because Hobbes usually does so himself, we will henceforth speak of the sovereign or ruler as "he," but it should be kept in mind that Hobbes' sovereign can be an assembly of numerous persons. This fact is of course key to the potential democratic use of the Hobbesian philosophy.)

Unlike a Lockean magistrate, who is merely a judge or a referee enforcing preexisting law, Hobbes' ruler has "the supreme power, or chief command, or dominion"—he has "absolute" sovereignty. The ruler of the Hobbesian polity "can, unpunished, do any thing, make laws, judge controversies, set penalties, make use at his own pleasure of the strength and wealth of men, and all this by right."<sup>143</sup> For Hobbes such sovereign power certainly includes the right to use force if necessary, for "covenants without the sword are but words and of no strength to secure a man at all."<sup>144</sup>

Hobbes emphasizes that in his ideal state there is no such sanctity of property as is central to the Lockean state. In the Hobbesian regime the sovereign has "the whole power of prescribing the rules whereby every man may know what goods he may enjoy and what actions he may do without being molested by any of his fellow subjects; and this is it [i.e. this is what] men call propriety."<sup>145</sup> Hobbes contrasts this with that

doctrine opposite to [proper] government . . . [in which] each subject hath an absolute dominion over the goods he is in possession of: that is to say, such a propriety as excludes not only the right of all the rest of his fellow subjects to the same goods, but also of the magistrate himself. Which is not true; for they who have a lord over them, have themselves no lordship. . . . Now the magistrate is lord of all his subjects, by the constitution of government. . . . Thy dominion therefore, and propriety, is just so much as he will, and shall last so long as he pleases.<sup>146</sup>

Not only do individuals have no absolute right of property in the Hobbesian state, they have no absolute freedoms of any kind in the face of the omnipotent sovereign. Otherwise "there will be a liberty for every man to do what he hath a mind, or whatsoever shall seem right to himself, which cannot stand with the preservation of mankind."<sup>147</sup> Thus Hobbes' philosophy is the

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<sup>141</sup> Hobbes, *Leviathan*, 96 (13.10).

<sup>142</sup> Hobbes, *De Cive*, 169 (V, 7); Hobbes, *Leviathan*, 125, 129 (17.1, 17.14).

<sup>143</sup> Hobbes, *De Cive*, 171, 181-2 (V, 11; VI, 13).

<sup>144</sup> Hobbes, *Leviathan*, 125 (17.2).

<sup>145</sup> Hobbes, *Leviathan*, 134 (18.10).

<sup>146</sup> Hobbes, *De Cive*, 249-50 (VII, 7).

<sup>147</sup> Hobbes, *De Cive*, in Zagorin, 180.

antithesis of Locke's radical individualism, in which men are restrained only by a neutral police power.

Contrasting Hobbes and Locke once more: to Hobbes the sovereign's function is to do whatever it takes to *bridle* the greedy, selfish instincts of man, which are inevitably harmful, while to Locke the function of the "sovereign"—who is actually a mere judge—is to *adjudicate* conflicts among men resulting from the actuation of these same instincts, which are good and proper in themselves. In other words, Hobbes sees that the avaricious game men naturally play is deleterious, so he erects a mechanism by which they, collectively through the sovereign, can change it any way the improvement of human life requires. Locke, on the other hand, sees this same game as exactly that which men *should* be playing—within the established rules—and *no other game is to be played*.

Having set up his state, Hobbes reiterates that laws to him, far from being cosmic imperatives that men are obliged to discover in some superior non-human realm and then infuse into mere human society, are simply edicts emanating from the wills of particular persons. "[T]he civil laws . . . are nothing else but the commands of him who hath the chief authority in the city, for direction of the future actions of his citizens."<sup>148</sup> It is the will of the sovereign who issues them that alone gives force to the laws. They are therefore not to be apotheosized, and no metaphysical laws or supposed individual rights are to take precedence over the actual laws promulgated by the sovereign. "[W]hat is to be called theft, what murder, what adultery, what injury in a citizen, this is not to be determined by the natural, but by the civil law . . . [i.e. by] the commands of him who hath the supreme authority."<sup>149</sup> "[T]he right of nature, that is, the natural liberty of man, may by the civil law be abridged and restrained, nay, the end of making laws is no other but such restraint, without which there cannot possibly be any peace. And law was brought into the world for nothing else but to limit the natural liberty of particular men in such manner as they might not hurt, but assist one another."<sup>150</sup> Moreover, laws are not to be obeyed or disobeyed depending on their content, with individuals freely choosing which to follow depending on whether they judge them "good" or "bad," "just" or "unjust"; rather, they are to be obeyed always, because and only because they are commanded by the sovereign.<sup>151</sup> But, significantly, the sovereign himself is *not* bound by the laws, since they are *his* laws; they are nothing more nor less than the expression of his arbitrary desires, which of course can change at any moment.<sup>152</sup>

Hobbes prefers monarchy over other forms of government, but this is really just an ingrained prejudice on his part. His arguments in favor of it, unlike those pertaining to most other elements of his philosophy, are so weak and flimsy as to be almost unworthy of serious consideration. He claims, very unpersuasively, that "in monarchy the private interest is the same with the public. The riches, power, and honour of a monarch arise only from the riches, strength, and reputation of his subjects. For no king can be rich nor glorious nor

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<sup>148</sup> Hobbes, *De Cive*, 178 (VI, 9).

<sup>149</sup> Hobbes, *De Cive*, 185, 186 (VI, 16, 17).

<sup>150</sup> Hobbes, *Leviathan*, 199 (26.8).

<sup>151</sup> Zagorin, 182.

<sup>152</sup> Hobbes, *De Cive*, 183 (VI, 14).

secure, whose subjects are either poor or contemptible or too weak through want or dissension to maintain a war against their enemies."<sup>153</sup> As Hobbes himself adumbrates, his system is compatible with either monarchy, aristocracy, or democracy, that is, polities in which either one person, a few individuals, or a mass assembly are sovereign. Given his equalitarian subjectivism, however, the premise of which is that no one person or group has greater insight into right and wrong than any other, *it is only democracy that he should logically advocate*. In that case, the Hobbesian sovereign would be the demos—the citizenry as a whole. In any event, unlike some other putatively democratic thinkers, Hobbes is under no illusion that minority rule through representation can somehow still be democratic.

An aristocracy or council of nobles endowed with supreme authority, receives its original from a democracy, which gives up its right unto it. . . . [C]ertain men distinguished from others . . . are propounded to the people, and by plurality of votes are elected; and being elected, the whole right of the people or city is conveyed on them, insomuch as whatsoever the people might do before, the same by right may this court of elected nobles now do. Which being done, it is clear that the people, considered as one person, its supreme authority being already transferred on these, is no longer now in being [as sovereign].<sup>154</sup>

In its foundations Hobbes' political philosophy is far more radical and potentially democratic than that of classical liberalism, for Hobbes "made power, not right, the key question in politics. . . . [W]hat mattered was not arguments, but who was to decide between them."<sup>155</sup> As Hobbes understood so clearly, the powers of government are inherently awesome and difficult if not impossible to limit. This is why the democrat must be adamant that power is actually in the hands of the people, not in those of any small set of individuals no matter how chosen.

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<sup>153</sup> Hobbes, *Leviathan*, 141 (19.4).

<sup>154</sup> Hobbes, *De Cive*, 197 (VII, 8).

<sup>155</sup> Hill, *Puritanism and Revolution*, 277, 280.

## PART THREE: U.S.A.

### VI. THE RADICAL PROGRESSIVE REFORMERS

In the last chapter I argued that the Glorious Revolution of 1688 and the political developments in its immediate aftermath essentially established parliamentary government in England, even though the monarch remained for a time an important element in the constitution. The evolution of the British constitution of course continued for another couple of centuries and saw the emergence of cabinet government and the office of prime minister, the expansion of the electorate, the effective demise of the Lords, etc. Yet in terms of the great tripartite taxonomy of government—monarchy, oligarchy, and democracy—parliamentary government has from the moment of its triumph until the present resided squarely in the category of oligarchy. The extension of the franchise in England did not in any way elevate parliamentary government from the level of oligarchy to that of democracy: no matter how many people have the vote, elected rulers are nonetheless rulers separate from the mass of the people, who themselves do not rule. The representative government established by the United States Constitution of 1787 is likewise oligarchic. A Congress rather than a Parliament, a president rather than a prime minister, "division of powers," "checks and balances"—none of these features alter the basic system of government: rule by a few elected officials, i.e. oligarchy.

Since the seventeenth-century revolutions in England that led to the replacement of monarchy by oligarchy, neither Britons nor Americans have successfully effected a further transformation of similar magnitude, this time from oligarchy to democracy. There have, however, been two important political movements in post-seventeenth-century Anglo-American history that have challenged the prevailing mode of government. The first (conflating geographically separate but ideologically related phenomena) occurred in the late eighteenth century in both Britain and colonial America. The second, which could be called a failed quasi-revolution, occurred in the U.S. at the turn of the century, during the Progressive Era.

This chapter will be confined to a treatment of the Progressive-era American reformers. The eighteenth-century British and American radicals (Commonwealthmen in Britain, Antifederalists in America) are certainly of interest. However, they worked wholly within the rubric of the representative system. The Commonwealthmen sought parliamentary reform. The Antifederalists opposed the conservative features of the U.S. Constitution, preferring the more popular ones of the state constitutions (among which that of Pennsylvania was the exemplar). Both wanted, by such mechanisms as unicameralism, equitable representation, universal manhood suffrage, abolition of property qualifications, frequent elections, instruction, rotation in office, and the recall of elected officials, to ensure responsive government and the ability of the people to control their representatives. This reformist strategy, though intellectually respectable and historically significant, was in fact futile: representation cannot so easily be converted into democracy. It is also unnecessary in the present (as manifested in such measures as campaign finance reform and term limits), since, however impracticable the Athenian model of

democracy may once have been for large territories, modern democrats can surely adapt this superior system to modern conditions and implement it forthwith.<sup>1</sup>

Unlike the eighteenth-century radicals, the Progressives finally began to transcend the representative system through the adoption of more advanced institutional machinery, namely the initiative and referendum (borrowed from Switzerland), for the "I&R" bypasses elected officials altogether and gives legislative power directly to the people. Though preferable to merely constraining representatives as earlier reform measures sought to do, the I&R duo, I will argue, was and is inadequate to the task of erecting fully democratic government. But it was a start. More importantly, the critique of representative oligarchy that accompanied the introduction of "direct democracy" was powerful at the time and is still cogent today.

## THE RADICAL CHALLENGE

### Populists and Progressives

The historical literature commonly separates the reformers active between about 1880 and 1920 into the earlier Populists and the later Progressives, often treating the two sets of activists as having being quite distinct (e.g. rural versus urban), especially since most monographic studies concentrate on only one or the other. Actually there was no sharp delineation between them.

From the start the various components of the reform movement constituted a very loose coalition. The People's Party, the early movement's preeminent organization, grew out of a national conference held in Cincinnati in 1891 that was attended by all and sundry third-party elements active over the previous decade.<sup>2</sup> The party's rank and file consisted not only of members of the Farmers' Alliances (including the Colored Alliance), the Knights of Labor, and other farm and labor organizations, but also of assorted socialists, single-taxers, anarchists, suffragists, and "thousands of citizens who were just plain irritated."<sup>3</sup> Many of the core activists had successively been abolitionists, Greenbackers, Anti-Monopolists, and Union Laborites. Thus, although the bulk of the rank and file of the People's Party were no doubt farmers (as was the majority of the American population), this did not make the party simply a farmers'

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<sup>1</sup> Notwithstanding this explanation, it might be thought a strange omission that I did not include, in this book on the political history of England and the U.S., detailed treatments of their respective constitutional conflicts in the eighteenth century. Actually, in my original research I studied these episodes as extensively as those that I did finally incorporate into the story. In the end, however, I concluded that they did not involve true revolutionary movements and therefore did not fall within the scope of my specialized narrative.

<sup>2</sup> The national People's Party was founded in 1892. Its adherents came to be known as Populists probably because they could not exactly be called "Peoplists." John D. Hicks, *The Populist Revolt: A History of the Farmers' Alliance and the People's Party* (Minneapolis: University of Minnesota Press, 1931), 238.

<sup>3</sup> As supporters of Henry George's 1886 New York mayoral campaign were described. Eric F. Goldman, "A Least Common Denominator," in *Populism: Reaction or Reform?*, ed. Theodore Saloutos (New York: Robert E. Krieger, 1978), 7.



organization. Coming from a variety of backgrounds, many of the most committed reformers and the most sagacious political intellectuals of the time gravitated to the leadership of the movement.

The early twentieth-century reformers tended to see the Progressive movement as one continuous national struggle dating back at least to the 1880s. In other words, the "Progressives" did not distinguish themselves from the earlier "Populists"; indeed, they were often literally the same people.<sup>4</sup> Turn-of-the-century reform was all of a piece to the contemporary historian Benjamin Park De Witt: "The great outstanding issue in the 1912 campaign was the same as it had been in the 1896 campaign, Who shall rule, a majority of the voters or the special interests of a minority?"<sup>5</sup> In any event, despite the fact of a new century on the calendar, there was in reality no sharp break in economic or political development between the last decades of the nineteenth century and the first decades of the twentieth, requiring two different sets of activists to respond to them. Instead there was broad political continuity between the acknowledged watersheds of the Civil War at one end and World War I at the other.

The reform movement, variegated from the beginning, became even more diverse with time. There were all kinds of reformers seeking all kinds and degrees of reform: in the economic conditions faced by farmers, in the urban environment, in business, in the mechanics of electoral politics, in "morals," in labor conditions, etc. It is only with the true radicals among the various reformers—the proto-democrats and democrats—that we will deal below.<sup>6</sup>

#### The Populist program

The Populists have often been carelessly (or obtusely) caricatured by writers as having been small-minded, backward-looking bumpkins who failed to keep up with the times and then were so perverse as to complain about their self-induced plight.<sup>7</sup> But any reasonable and judicious study of them will find that they were on the whole sensible radicals reacting fairly logically to fundamental

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<sup>4</sup> E.g. in Oregon. Robert D. Johnston, *The Radical Middle Class: Populist Democracy and the Question of Capitalism in Progressive Era Portland, Oregon* (Princeton: Princeton University Press, 2003), 121.

<sup>5</sup> Benjamin Parke De Witt, *The Progressive Movement: A Non-partisan, Comprehensive Discussion of Current Tendencies in American Politics* (1915; reprint, Seattle: University of Washington Press, 1968), 41.

<sup>6</sup> Many otherwise fine works have been written about particular aspects of Progressive-era political history with hardly any mention of real radicals; e.g. Martin Sklar, *The Corporate Reconstruction of American Capitalism, 1890-1916: The Market, the Law, and Politics* (Cambridge: Cambridge University Press, 1988). Sklar erroneously sees Theodore Roosevelt as having occupied the far "left wing" of Progressivism and somehow perceives a general pro-corporate consensus among "Progressives." By "radical" and "democratic" I mean seeking to alter the fundamental structure of government.

<sup>7</sup> E.g. Richard Hofstadter, *The Age of Reform* (New York: Knopf, 1955), and James Turner, "Understanding the Populists," *The Journal of American History* 67 (September 1980): 354-73.

dislocations in American society.<sup>8</sup> To say the least, they were not caviling about nothing. In his *American Populism*, Robert McMath makes it clear that the Populists were responding to deep, serious, and eminently objectionable problems arising from the rapid industrialization of America: severe economic breakdown, increasing wealth disparity, widespread social alienation, and endemic political torpor. McMath sees that Americans in the 1870s were witnessing the rise of "powerful new economic institutions [i.e. corporations], buttressed by the state," which "threatened their independence."<sup>9</sup> The Populists' reaction to this situation was not dysfunctional. Rather, "Their values and beliefs were part and parcel of the radical republicanism that was, even in the late nineteenth century, a vital force among working people in America."<sup>10</sup>

As spokesmen like Henry Demarest Lloyd emphasized repeatedly, the ultimate goal of Populism was nothing less than the full development of a human potential that was being tragically wasted under the conditions of the time. The Populists explicitly counterposed the neglected rights of man and the satiated rights of capital. Man, they were convinced, could do better; he could rationally control his society. Otherwise, declared a correspondent of Lloyd's, "The whole ideal of our civilization is wrong."<sup>11</sup> Similarly, Farmers' Alliance spokesmen impugned "the whole system" under which they lived as "a lie and an imposture." "After four thousand years of life is this the best that we can achieve? If so, who cares how soon the end may come?"<sup>12</sup>

While railroad barons and speculators reaped huge profits from a frenzied growth that they themselves ceaselessly promoted, farmers—those in the South and West especially—were menaced and oppressed by debt, bankruptcy, drought, the continuous decline of crop prices, and rising freight rates. The farmers came to believe that "something was terribly wrong." "They had been tricked," says McMath, "by the smooth-handed fellows who promised that rain would follow the plow or that buying fertilizer and planting cotton would be the way to get ahead."<sup>13</sup>

The farmers first started organizing themselves in Texas. In 1886, at Cleburne, the newly formed Farmers' Alliance held a convention that called for legislation against the great land syndicates and against speculation in crop futures. It also called for the taxation and public control of the railroads, the regulation of interstate commerce, and the expansion of the currency. Farmers everywhere made similar demands—but they found their governments utterly unresponsive. It seemed that government at all levels was firmly in the grip of privileged monopolies: banks, land syndicates, railroads, and manufacturers.

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<sup>8</sup> E.g. McMath, Hicks, Foner, Vann Woodward, Goodwyn, Pollack, Clanton (see the Bibliography).

<sup>9</sup> Robert C. McMath, Jr., *American Populism: A Social History, 1877-1898* (New York: Hill and Wang, 1993), 8.

<sup>10</sup> McMath, 13.

<sup>11</sup> Norman Pollack, *The Populist Response to Industrial America: Midwestern Populist Thought* (Cambridge, Mass.: Harvard University Press, 1962), 16.

<sup>12</sup> Pollack, 27.

<sup>13</sup> McMath, 48.

The people [said De Witt] were under the delusion that they owned the government; they had used it little [in the past]: now, they thought, it would have to succor them. Government and legislation would bring in the millennium. Singularly enough [however], the government was not sensitive to popular appeal. Sometimes, indeed, it openly defied the people. For a long time, the people could not realize what had happened—the people could not understand that their government had passed beyond their control. They came to the government which they had made, intending to use it, and they found that it was already in use.<sup>14</sup>

The primary source of their economic hardship, the farmers' decided, was the national banks' control of the nation's currency, the inadequate and inflexible supply of which, among other things, forced them to sell their crops cheap and buy other goods dear. The Populists were steeped in the Greenback tradition: "the idea that the federal government should, on a continuing basis, adjust the currency supply to meet the fluctuating but generally expanding demands of the economy."<sup>15</sup> In addition, the Populists identified transportation and communication as monopoly-dominated areas that had to be brought under collective control. They therefore advocated government ownership of the railroads and of the telegraph and telephone.

The bottom line was that the power of the people had to be unleashed and brought to bear on the problems of society. "We believe," stated the People's Party Omaha platform, "that the powers of government—in other words, of the people—should be expanded . . . as rapidly and as far as the good sense of an intelligent people and the teachings of experience shall justify, to the end that oppression, injustice, and poverty shall eventually cease in the land."<sup>16</sup> This ambitious goal required that the people gain effective control of the government. Yet the Populists did not at first think in terms of changing the political system itself. They instead entered the quagmire of electoral politics.

The historian John D. Hicks, writing in 1931, highlights the uselessness of the farmers' elected representatives. He quotes one writer describing the frustration of the Alliance leaders:

They elected lawyers and other professional men to represent them and their interests. . . . They appealed to their party leaders. . . . But they were disappointed. Then they tried electing their own men—dirt farmers—to office. But it made little difference whether they sent a farmer or a politician to the legislature. If the farmer went to the capital fresh from the plow, among a crowd of lobbyists, he was as clay in the hands of a potter. If his constituents kept him there year after year, until he learned the ways of legislation, then he ceased to be a farmer and became a member of some other class, perhaps a stockholder in a great railroad, or manufacturing corporation, with interests in common with the opponents of [the] agricultural classes.<sup>17</sup>

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<sup>14</sup> De Witt, 15.

<sup>15</sup> McMath, 64.

<sup>16</sup> McMath, 168.

<sup>17</sup> Hicks, 151.

After finding that they could achieve little electorally on their own, the Populists finally adopted a strategy of "fusion," that is, of joining with the Democratic Party. One of the problems with fusion was that it brought to leadership positions a set of more conventional politicians: "a clique of self-interested opportunists who would sell out the cause of the people for another term in office," complained the editors of the reform newspapers.<sup>18</sup> The quintessential fusionist was Senator William Allen of Nebraska, a man for whom, as he himself put it, political parties were mere "shoes and garments" to be cast off and exchanged as needed.<sup>19</sup> Such politicians could have little respect for the party platforms carefully crafted and fervently promulgated by the radical organizers. In the event, the Populist-Democratic alliance went down to defeat in the 1896 national election. The futility of conventional electoral politics in general led Populists increasingly to advocate mechanisms of direct legislation by the people, which finally "became almost an obsession" with them.<sup>20</sup>

## THE TRUST

### Standard Oil

It was Mark Twain, notes Sean Dennis Cashman, who first coined the term "Gilded Age." It was the title of Twain's 1873 satire on political and financial corruption.<sup>21</sup> Booms in transportation (mainly railroads) and communication paved the way for a prodigious industrialization already being celebrated at the 1876 Centennial Exhibition in Philadelphia. Industrial "titans" such as Carnegie (steel), Rockefeller (oil), and Morgan (finance) headed not only individual giant corporations—most of them founded just after the Civil War—but entire industries, through "pools," "rings," and "trusts."

Among all the noxious manifestations of corporate industrialism, none loomed so large in the eyes of the reformers as the trust. The trust embodied the power, the soullessness, the "evil" of monopoly capitalism. And of all the trusts, the most awesome as well as the most hated was the Standard Oil Corporation. A brief look at the early history of this corporation/trust will give us a more concrete idea of the kind of phenomenon the people and the reformers were contending with.<sup>22</sup>

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<sup>18</sup> Lawrence Goodwyn, *The Populist Moment: A Short History of the Agrarian Revolt in America* (Oxford: Oxford University Press, 1978), 236.

<sup>19</sup> Lawrence Goodwyn, *Democratic Promise: The Populist Moment in America* (New York: Oxford University Press, 1976), 393.

<sup>20</sup> Hicks, 408.

<sup>21</sup> Sean Dennis Cashman, *America in the Gilded Age: From the Death of Lincoln to the Rise of Theodore Roosevelt* (New York: New York University Press, 1993), 2.

<sup>22</sup> Robert O. Anderson, *Fundamentals of the Petroleum Industry* (Norman: University of Oklahoma Press, 1984); Thomas G. Manning, *The Standard Oil Company: The Rise of a National Monopoly* (New York: Holt, Rinehart and Winston, 1962); Ralph W. Hidy and Muriel E. Hidy, *History of Standard Oil Company (New Jersey): Pioneering in Big*

Given today's car-mad world, it is surprising to learn that the first use of petroleum on a large scale was as a fuel for household lamps—kerosene. (Gasoline, a byproduct of the distilling process, was burned off as waste!) At first oil was simply collected from natural pools, until someone thought to drill for it in 1859, in northwestern Pennsylvania. It was here, in the "Oil Regions," that the modern oil industry was born. And its growth right after the Civil War was explosive. Kerosene, which could be obtained much cheaper and in much larger quantities than whale oil, soon became "the light of the world."

In 1863 John D. Rockefeller, a young merchant-house bookkeeper in Cleveland, left his job and started his own oil refining company. By 1870 the firm, now Standard Oil Company of Ohio, had grown to be one of the largest of about thirty refining operations in Cleveland. In the course of his early entrepreneurial experience Rockefeller discovered that oil refining itself was a relatively simple process; the key to success in the industry lay in the refiner's ability to gain a competitive advantage in a seemingly minor factor of production: transportation. Thus Rockefeller learned the critical importance of favorable railroad rates. Cleveland, however, was the least favorably located of the major refining centers. Pittsburgh was near the Oil Regions, Philadelphia was close to the large eastern market and the overseas export terminals, and of course the "producers" of the Oil Regions themselves—the men who extracted the crude oil from the ground and who were also rapidly developing their own refining capacity—were right on site. Rockefeller realized that in order for the Cleveland refiners to survive, much less prosper, they would have to obtain the best possible terms from the railroads, and this required their mutual cooperation, or "combination." The railroads, on their side, were competing fiercely with each other for the booming oil freight business, and were willing to give—illegally, for the railroads were by law common carriers that could not discriminate—preferential rates to any refiner whose volume of production was large enough to assure them a constant flow of oil to transport and thus a steady and substantial income. So Rockefeller set about, and succeeded in, persuading or compelling his Cleveland rivals to join him or sell out to him. The resulting combination then had the requisite size to deal more favorably with the railroads. Soon, not only was Standard Oil receiving much lower freight rates than those refiners who held out, but its clout had grown to the point where Rockefeller could get the railroads to grant him not only a "rebate" on every barrel of *his* oil that they shipped but also a "drawback" on every barrel of *any other refiners'* oil that they shipped! These drawbacks were ultimately paid for by the other companies: they were simply added to their rates.

In 1870 Standard Oil refined only 4% of the nation's oil; by the end of that decade Standard's share had grown to 90% and the company was soon well established throughout the world—a "multinational corporation" before the term was invented.

The rebate and drawback devices as well as other manipulations of railroad freight rates were only the earliest and most notorious of the "sharp," i.e. reprehensible if not downright illegal, practices and methods that Standard Oil

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*Business, 1882-1911* (New York: Harper & Brothers, 1955); Ida M. Tarbell, *The History of the Standard Oil Company*, 2 vols. (New York: McClure, Phillips, 1904).

utilized in the course of its eventual monopolization of all phases of the oil industry (production, refining, and distribution) during the period. Others included the device of the trust—Standard invented it—which was essentially a way for a number of nominally independent companies to act in concert as a single dominant corporation without seeming to be a monopoly;<sup>23</sup> "cutting to kill," whereby Standard would temporarily reduce the price of its oil in a given market area to an unprofitably low level in order to drive out small competitors; arranging it so that competitors were denied needed railroad cars and shipping terminal facilities; first obstructing, at times with armed force, the building of pipelines by the producers, and then, that failing, buying up the producers themselves; tying up competitors in interminable, enervating litigation; corporate espionage; manipulation and control of the press; tax evasion; the purchase of legislatures and public officials, including United States Senators; extreme secrecy and unaccountability in all the company's operations; and stonewalling or employing deception in commission hearings and in court cases. In sum, Standard Oil was characterized by a profound turpitude in a great many of its workings. Famously and ominously, Rockefeller once said to a hapless competitor, "I have ways of making money that you know nothing of."<sup>24</sup>

But the Standard Oil Company did not rise to the heights that it did only by means of purely nefarious practices. Its "legitimate greatness," wrote Ida Tarbell, the company's premier Progressive-era historian, must be acknowledged. Standard Oil was "strong in all great business qualities—in energy, in intelligence, in dauntlessness. It has always been rich in youth as well as greed, in brains as well as unscrupulousness. If it has played its great game with contemptuous indifference to fair play, and to nice legal points of view, it has played it with consummate ability, daring, and address."<sup>25</sup> And of course in John D. Rockefeller the company had sagacious, superior leadership.

### The Seven Sisters

As we well know, the growth in the power of the oil corporations collectively since the early years of the twentieth century has been phenomenal. The court-ordered dissolution of Standard Oil into a number of technically separate companies in 1911 did little or nothing to alter the general trend; it certainly did not materially affect either the fortunes or the behavior of the former trust components. In fact, because of their multifarious interconnections and oligopolistic ways, the three largest of the Standard fragments, Exxon, Mobil, and Chevron, along with Gulf, Texaco, BP, and Shell—all international giants with assets and tanker fleets larger than the budgets and navies of all but a few countries—came to be known as the "Seven Sisters." While the parent Standard Oil Company had grown to be the largest corporation of its day, Exxon, its principal offshoot, remained the oil industry's predominant corporation and rose to become, once again, the largest corporation in the world in 1975. Together the American Sisters (Exxon, Mobil, Chevron, Gulf, and

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<sup>23</sup> The Standard Oil Trust was truly gargantuan: thirty-four separate companies were "disaffiliated" by the 1911 antitrust ruling.

<sup>24</sup> David Freeman Hawke, *John D.* (New York: Harper & Row, 1980), 121.

<sup>25</sup> Tarbell, 2:231.

Texaco) were at that date five of the seven largest corporations in the U.S., and since then they have merged into just two megacorporations.

Needless to say, the full story of the modern oil industry (as told for instance by Anthony Sampson in *The Seven Sisters* and by Antonia Juhasz in *The Tyranny of Oil*) is beyond the scope of the present study. But for perspective it is important to keep in mind, as we examine the struggle between the reformers and the trusts at the turn of the century, that the Progressive Era witnessed the birth of the modern multinational corporation and the founding of the modern industrial/financial order. Today's giant corporations are the direct descendants of the first trusts. And the problematic issue of their overwhelming economic and political power has remained alive, and indeed grown apace, to this day.

At the beginning, at the end, and throughout his narrative, Sampson poses the key question: Who controls? "How did these great companies . . . grow up with so little control from their home governments?"<sup>26</sup> He reminds us that as early as 1871 Charles Francis Adams was complaining that corporations "have declared war, negotiated peace, [and] reduced courts, legislatures, and sovereign states to an unequalled obedience to their will."<sup>27</sup> One hundred and three years later the Attorney-General of the United States was warning of the danger posed to the nation's security by the Seven Sisters: "The world petroleum cartel is an authoritarian, dominating power over a great vital world industry, in private hands."<sup>28</sup>

## EARLY REFORMERS

Who controls? Who rules? This was the vital question that the Progressive reformers were gradually working up to over several decades. To understand these men and women properly it is helpful to trace the evolution of their thinking from the beginning. The first reformers were more passionate about the pathological social conditions they observed around them than about value-neutral governmental forms. Only later did fundamental political change become the main focus for some Progressives.

### Henry George

Henry George (1839-1897) was *the* pioneer Progressive reformer. He was the first to "put it all together" in a comprehensive ideological system. His influence on succeeding reformers was therefore incalculable.

In his major work, *Progress and Poverty* (1879), George relates that he realized his mission when, visiting New York City from his native San Francisco, where he was a journalist, he "saw and recognized for the first time the shocking contrast between monstrous wealth and debasing want." Back on the West Coast, the significance of the value of land in the creation of this state of affairs crystallized in his mind when, riding on horseback in the Oakland hills

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<sup>26</sup> Anthony Sampson, *The Seven Sisters: The Great Oil Corporations and the World They Made* (New York: Viking Press, 1975), 17.

<sup>27</sup> Sampson, 27.

<sup>28</sup> Sampson, 125.

one day, he asked a worker what the land in the valley beyond was worth. When George heard the extravagant price, "Like a flash it came upon me that there was the reason of advancing poverty with advancing wealth. With the growth of population, land grows in value, and the men who work it must pay more for the privilege."<sup>29</sup>

One of George's major propositions in the economic analysis that constitutes a large part of *Progress and Poverty* is that orthodox economists are mistaken about the order of precedence of the three principal factors of production. Normally these are taken to be capital first, labor second, and land third. But in fact it is land that is primary: it is "the field and material of labor [which in turn produces capital]. The natural order is land, labor, capital; and instead of starting from capital as our initial point, we should start from land."<sup>30</sup> The root economic problem in the late nineteenth century, George deduced, was neither limited capital nor too many laborers, as was commonly thought, but rather the denial to labor of access to land. Thus labor was prevented from producing the wealth that it needed for its own prosperity. It is true that the United States was not all filled up (by whites) in the 1870s; there was still land to be found. But most good, cheap, and conveniently located land, whether it was actually being used or not, was already monopolized and held at speculative prices. This monopoly was the mother of all monopolies, for "in acknowledging the right of some individuals to the exclusive use and enjoyment of the earth, we condemn other individuals to slavery as fully and as completely as though we had formally made them chattels."<sup>31</sup>

George points out that European feudalism did not recognize the exclusive and uncontrolled right of the individual to land. A fief was a trust carrying with it obligations such as military service. Furthermore there were extensive Church lands as well as the commons, both of which were forms of communal property. Unfortunately, "The general course of the development of modern civilization since the feudal period has been to the subversion of these natural and primary ideas of collective ownership in the soil."<sup>32</sup> Having no feudal past at all, Americans were especially prone to accept individual ownership of land as natural and proper, and in fact this mode of land ownership was no great problem when there existed a whole continent to spread into. But "our advance has reached the Pacific. . . . The republic has entered upon a new era, an era in which the monopoly of the land will tell with accelerating effect. . . . The wealthy class is becoming more wealthy; but the poorer class is becoming more dependent. . . . [S]ocial contrasts are becoming sharper; as liveried carriages appear, so do barefooted children. . . . We call ourselves the most progressive people on earth. But what is the goal of our progress, if these are its wayside fruits?"<sup>33</sup>

George concludes that private property in land must be abolished. But he does not advocate either the immediate confiscation of land by the government

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<sup>29</sup> Edward Rose, *Henry George* (New York: Twayne, 1968), 41.

<sup>30</sup> Henry George, *Progress and Poverty* (1879; reprint, New York: Robert Schalkenbach Foundation, 1955), 163.

<sup>31</sup> George, *Progress and Poverty*, 348.

<sup>32</sup> George, *Progress and Poverty*, 379.

<sup>33</sup> George, *Progress and Poverty*, 390-93.



or its complete redistribution. This would be unnecessarily disruptive. Everyone does not need to have his or her own private parcel of land; what everyone needs is the right to use the land without having to pay exorbitantly to do so. All that is required is that land (excluding any actual improvements to it or structures on it) be taxed at its full value, i.e. that its entire rent be appropriated by the government. The resulting immense revenue could then be used as a common fund for the advancement of the public good, and all other taxes, which either are regressive or penalize productivity, could be done away with. This course of action—the introduction of the "single tax"—argues George, would be eminently fair, since it would be "the taking by the community, for the use of the community, of that value which is the creation of the community."<sup>34</sup> However, like the socialists with whom he sympathizes at this stage in his reform career, George is careless about the nature of the government that would implement his scheme and then supposedly proceed to take advantage of its benefits for the good of all. He suggests that because of the simplicity of the land tax, government would be so downsized that it would be virtually abolished as a directing, repressive power—a pipedream no less inane coming from George than from early socialists or anarchists.<sup>35</sup>

In his second, shorter book, *Social Problems* (1883), George resumes the exploration of a theme he broached at the end of *Progress and Poverty*, namely that in order to avoid an excessive concentration of wealth and the stultifying conservatism and cultural decay that inevitably accompany it, human society needs to foster equality alongside material progress, and this requires conscious, concerted effort. To counter the dangers attendant on the "increasing complexity of the social organization," a constantly higher degree of "social intelligence" is required.<sup>36</sup> "Progressive societies outgrow institutions as children outgrow clothes. . . . To adjust our institutions to growing needs and changing conditions is the task which devolves upon us."<sup>37</sup> And the intelligence that George now urges is "not the intelligence of the few, but that of the many. We cannot safely leave politics to politicians, or political economy to college professors. The people themselves must think, because the people alone can act."<sup>38</sup>

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<sup>34</sup> George, *Progress and Poverty*, 421.

<sup>35</sup> George, *Progress and Poverty*, 456.

<sup>36</sup> Henry George, *Social Problems* (1883; reprint, New York: Doubleday, Page, 1904), 3.

<sup>37</sup> George, *Social Problems*, 7.

<sup>38</sup> George, *Social Problems*, 9. George was self-educated, and he had no great respect for academia as such, or any other elite institutions for that matter. This marvelously irreverent attitude is displayed in a caustic address he delivered at the University of California, Berkeley, in 1877 (just a few years after the university's founding): "Education is not the learning of facts; it is the development and training of mental powers. All this array of professors, all this paraphernalia of learning, cannot educate a man. They can but help him to educate himself. Here you may obtain tools; but they will be useful only to him who can use them. A monkey with a microscope, a mule packing a library, are fit emblems of the men--and, unfortunately, they are plenty--who pass through the whole educational machinery, and come out but learned fools, crammed with knowledge which they cannot use--all the more pitiable, all the more contemptible, all the more in the way of real progress, because they pass, with themselves and others, as educated men." Rose, 53.

Yet, having alerted his readers to the necessity of creating new political institutions more suitable for the times in which they lived, George goes no further along this promising line of thought. Instead he reverts to an emphasis on man's "rights," the primary one of which—"the most obvious truth"—is the right to the use of the land. In the end George has nothing more constructive to offer than natural-law mumbo-jumbo: "The domain of law is not confined to physical nature. It just as certainly embraces the mental and moral universe, and social growth and social life have their laws as fixed as those of matter and of motion. Would we make social life healthy and happy, we must discover those laws, and seek our ends in accordance with them."<sup>39</sup>

### Edward Bellamy

Edward Bellamy (1850-1898) was the author of one of the most important books ever written in the U.S., though it is now mostly forgotten. Progressive-era commentators compared the influence of *Looking Backward* (1888) on the reform movement to the influence of *Uncle Tom's Cabin* and *Das Kapital* on the anti-slavery and the socialist movements respectively. Bellamy believed that the chaotic, wasteful, and injurious capitalist economic system had to be replaced with a more orderly, efficient, and egalitarian one so that the members of society could all live in comfort and harmony. Human nature as a whole would thereby advance, while every individual would finally be able to develop to his or her full potential.<sup>40</sup>

Written in simple but compelling prose, *Looking Backward* is a prototypical Utopian novel that lays out in some detail an alternative to the sick society of the author's time. It is the story of Julian West's time travel to a future Boston. He falls asleep in 1887 and wakes up in the year 2000. Society has been remade. Want and poverty as well as extreme wealth—indeed, money itself—are no more. Everyone works in an "industrial army" at whatever occupation they choose, until they retire at age forty-five and commence a second life of personal fulfillment. There is no more private enterprise or business competition. All the monopolies have been replaced by a single, infinitely more efficient and productive Great Trust—the logical end of the capitalist process of combination—and all the citizens are the Trust's joint stockholders.

Focused as he is on economics, however, Bellamy does not really develop an alternative political system. He posits, like Marx and Henry George before him, the eventual withering away of the state as an active agent of societal control. Julian West's omniscient twentieth-century guide Dr. Leete explains that, its boundless capacity notwithstanding, the new economy is so simple and logical that it does not require exceptional administration. The proper functions of government are now limited to judiciary and police; in fact, there is now hardly any legislation at all, for there is nothing left, like private property and crime, to make laws about: "The fundamental principles on which our society is

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<sup>39</sup> George, *Social Problems*, 242.

<sup>40</sup> Edward Bellamy, *Looking Backward, 2000-1887* (1888; reprint, New York: Random House, 1951), 238; Arthur E. Morgan, *Edward Bellamy* (New York: Columbia University Press, 1944), 91.

founded settle for all time the strifes and misunderstandings which in your day called for legislation."<sup>41</sup> Such musings are clearly naive.<sup>42</sup> The strength of *Looking Backward* lies elsewhere than in political schemes. It is in its searing indictment of late-nineteenth-century society that Bellamy's parable is most poignant.

Julian finally reconciles himself to living in the future, and he arranges to marry his new love, Dr. Leete's daughter Edith. But after going to sleep one night, he wakes up the next morning back in old Boston. His time travel had been just a dream! Having experienced, if only in his sleep, a well-ordered, egalitarian society, Julian—a conventional patrician in his old life—is now stunned by the glaring disparity in the living conditions of rich and poor Bostonians, and by the indifference of the former to the plight of the latter. "Were these human beings, who could behold the wretchedness of their fellows without so much as a change of countenance?"<sup>43</sup>

Julian is especially amazed by society's mindless commercialism. Everywhere he turns he encounters advertising. "Buy from me. Never mind the rest!" He had never noticed it before, but he now sees the irrationality of this "horrible babel of shameless self-assertion and mutual depreciation, this stunning clamor of conflicting boasts, appeals, and adjurations, this stupendous system of brazen beggary." Whereas twenty-first-century Boston was supplied with all the products it required from a single, central warehouse, back in nineteenth-century Boston Julian finds "Stores! stores! stores! miles of stores! ten thousand stores to distribute the goods needed by this one city."<sup>44</sup> The waste in extra handling, in the duplication of outlets, personnel, and services, and in the payment of middlemen, is stupefying. "What a famous process for beggaring a nation!" Julian watches store clerks inducing customers to

buy, buy, buy, for money if they had it, for credit if they had it not, to buy what they wanted not, more than they wanted, what they could not afford. . . . Why this effort to induce people to buy? Surely that had nothing to do with the legitimate business of distributing products to those who needed them. Surely it was the sheerest waste to force upon people what they did not want, but what might be useful to another. The nation was so much the poorer for every such achievement. What were these clerks thinking of?<sup>45</sup>

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<sup>41</sup> Bellamy, *Looking Backward*, 169.

<sup>42</sup> Arthur Lipow [*Authoritarian Socialism in America: Edward Bellamy and the Nationalist Movement* (Berkeley: University of California Press, 1982)] sees in Bellamy's political philosophy something much worse than naiveté. As he demonstrates at length, Bellamy at this point in his reform career has no conception of living politics or of class struggle, much less of democracy; he characterizes Bellamy's false brand of socialism as elitist and authoritarian, and his false community as an "atomistic collectivism" consisting of asocial individuals on one side and an impersonal bureaucratic state on the other.

<sup>43</sup> Bellamy, *Looking Backward*, 256.

<sup>44</sup> Bellamy, *Looking Backward*, 257.

<sup>45</sup> Bellamy, *Looking Backward*, 258.

But then Julian remembers that these clerks and the storeowners for which they work are serving only their own immediate personal interests, not the public interest like the clerks in his dream Boston. "The more wasteful the people were [in the past], the more articles they did not want which they could be induced to buy, the better for these sellers. To encourage prodigality was the express aim of the ten thousand stores of Boston."<sup>46</sup>

Having experienced several other wrenching and disillusioning episodes in his tour of old Boston, Julian wakes up again in the year 2000. It was, in the end, his return to 1887 that had been a dream—a horrific nightmare. In the final, very moving scene, Julian is pierced by a pang of shame and self-reproach. For in actuality he had been as complacent about social inequity as everyone else in his class.<sup>47</sup>

Bellamy wrote a second novel, *Equality* (1897), in the last years of his life, as he was suffering from tuberculosis. Whereas *Looking Backward* had just enough story to clothe its social philosophy decently, *Equality* barely pretends to be anything but a straightforward socio-economic discourse. Although the setting (in the future) and the characters are the same as in *Looking Backward*, this book is more a Socratic dialogue between Dr. Leete and Julian than a novel. And yet, despite the work's stiffness, the overall picture it presents is actually somewhat more dynamic and modernistic than that depicted in Bellamy's earlier book. Here Bellamy further explicates both the evils of late nineteenth-century society and some of the features of the model society he envisions for the future. Although he still fails to propose a viable alternative political system—he is more interested in a "just" economy—*Equality* contains a most incisive critique of the current political order.

Edith Leete, upon learning of the problems of the old society while conversing with Julian, wonders why, if the people held the reins of power through voting for their representatives, they did not simply put the capitalists in their proper place and raise themselves out of their miserable condition. After some reflection and reasoning with Edith, Julian himself comes to realize "the colossal sham of our pretended popular government in America."<sup>48</sup> The capitalists controlled not only the economy but politics as well; they

advanced the money necessary to procure the election of the office-seekers on the understanding that when elected the latter should do what the capitalists wanted. . . . Immense sums under the name of campaign funds were raised for this purpose and used in innumerable devices . . . the object of which was to galvanize the people to a sufficient degree of interest in the election to go through the motion of voting. . . . Oh, yes, the capitalists could not have got along at all without control of the political government. Congress, the legislatures, and the city councils [and many other public officials] were quite necessary as instruments for putting through their schemes.<sup>49</sup>

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<sup>46</sup> Bellamy, *Looking Backward*, 259.

<sup>47</sup> Bellamy, *Looking Backward*, 272.

<sup>48</sup> Edward Bellamy, *Equality* (1897; reprint, New Jersey: Gregg Press, 1968), 14.

<sup>49</sup> Bellamy, *Equality*, 11-12.

Edith interjects: she thought that these public officials represented the people who voted for them. Julian corrects her, explaining the actual dynamic:

Bless your heart! no, why should they? It was to the capitalists and not to the people that they owed the opportunity of officeholding. The people who voted had little choice for whom they should vote. That question was determined by the political party organizations, which were beggars to the capitalists for pecuniary support. No man who was opposed to capitalist interests was permitted the opportunity as a candidate to appeal to the people. For a public official to support the people's interest as against that of the capitalists would be a sure way of sacrificing his career. You must remember, if you would understand how absolutely the capitalists controlled the government, that a president, governor, or mayor, or member of the municipal, state, or national council, was only temporarily a servant of the people or dependent on their favour. His public position he held only from election to election, and rarely long. His permanent, lifelong, and all-controlling interest, like that of us all, was his livelihood, and that was dependent, not on the applause of the people, but the favor and patronage of capital, and this he could not afford to imperil in the pursuit of the bubbles of popularity. These circumstances, even if there had been no instances of direct bribery, sufficiently explained why our politicians and officeholders with few exceptions were vassals and tools of the capitalists.<sup>50</sup>

Edith asks why the people didn't just elect representatives of their own class. Julian answers that this did little good. Poor men were even more liable to money temptation than prosperous men. They were not necessarily morally superior anyway, while they were generally more ignorant and less competent. In any event, as soon as a poor man gained respectability he was likely to desert his class altogether.

"Really," Edith concludes, "it seems that the reason I could not understand the so-called popular system of government in your day is that I was trying to find out what part the people had in it, and it appears that they had no part at all." Julian concurs: "Undoubtedly the confusion of terms in our political system is rather calculated to puzzle one at first, but if you only grasp firmly the vital point that the rule of the rich, the supremacy of capital and its interests, as against those of the people at large, was the central principle of our system, to which every other interest was made subservient, you will have the key that clears up every mystery."<sup>51</sup>

## DEMOCRATIC REFORMERS

### Henry Demarest Lloyd

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<sup>50</sup> Bellamy, *Equality*, 12.

<sup>51</sup> Bellamy, *Equality*, 13.

Henry Demarest Lloyd (1847-1903) was a prominent reformer of the 1880s and 1890s, best known to posterity as "the first of the muckrakers" for his exposé of the odious monopoly practices of the Standard Oil Company. He started his intermittent investigation while he was an editor at the Chicago Tribune, later publishing the material as *Wealth Against Commonwealth* (1894). Having been written piecemeal over an eleven-year period, *Wealth Against Commonwealth* is not a unitary philosophical treatise. "Its first object," says one historian, "was to make a realistic study of the pathological aspects of corporate capitalism."<sup>52</sup> Yet the book clearly contains, in fragments at first and more fully toward the end, a broader social philosophy.

In its opening sentence—"Nature is rich; but everywhere man, the heir of nature, is poor"—the book takes up the ever more urgent theme first introduced by Henry George fifteen years earlier: How in God's name could a seemingly rational, advanced civilization, situated in the richest land imaginable, nonetheless generate grinding poverty and despair in its midst? In their desperate search for an answer to this vital question, discontented Americans turned their opprobrious gaze upon the trusts. And the epitome of corporate evil, surpassing all other corporations in its perfidy, was the Standard Oil Trust.

Earlier we discussed broadly the methods used by Standard Oil to achieve predominance in the industry. In *Wealth Against Commonwealth* Lloyd relates in great detail, in episodes meticulously researched and dramatically told, the company's harmful monopoly practices. His aim is to present an overwhelming preponderance of evidence to demonstrate that unrestricted private monopoly is unacceptable. Only after being enlightened will the people stir themselves to action. Of one early legislative investigation of the Standard Trust Lloyd remarks: "It roused the people who were asleep on these new issues and were dreaming pleasant dreams that in [vanquishing King] George III they had escaped from all tyrants forever, and that in the emancipation of the blacks they had freed all slaves forever."<sup>53</sup>

One of the most egregious incidents recounted in the book is the Standard Trust's unsuccessful attempt by all means fair, foul, and abominable to prevent the city of Toledo, Ohio, from starting its own natural gas works (Standard was heavily involved in natural gas as well as oil). Based on Toledo's experience, Lloyd aptly lays out the argument for public ownership of primary industries as well as the reason for resistance to it on the part of capital:

'Private enterprise' could not afford to let the people of Toledo go forward with their public enterprise. . . . The essence of 'private enterprise' was that the people should get their gas from Captains of Industry, and pay them for their captaincy two or three times the real cost as profit. . . . The essence of municipal supply was that the people should supply themselves at cost without profit, and without Captains of Industry. . . . Toledo, in fine, proposed to keep step with the modern expansion of self-government, which finds that it can apply principles and methods of democracy to

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<sup>52</sup> Chester McArthur Destler, *American Radicalism, 1865-1901* (1946; reprint, Chicago: Quadrangle Books, 1966), 138.

<sup>53</sup> Henry Demarest Lloyd, *Wealth Against Commonwealth* (New York: Harper & Brothers, 1894), 206.

industry. It proposed to add another to many demonstrations already made . . . of the truth that the ability to carry on the business of supplying the various wants of mankind is not a sort of divine right vouchsafed from on high to a few specially inspired and gifted priests of commerce, by whose intermediation alone can the mysteries of trade be operated; but, like the ability to govern and be governed, is one of the faculties common to mankind, capable of being administered of, by, and for the people, and not needing to be differentiated as the prerogative of one set of men. The Toledo experiment was another step forward in the world-wide movement for the abolition of millionaires—a movement upon which the millionaires look with unconcealed apprehension for the welfare of their fellow-beings.<sup>54</sup>

It should be noted in connection with this mention of millionaires that although we today accept with equanimity the existence not only of millionaires but also of billionaires, the phenomenon of literally uncountable fortunes was at the turn of the century both new and to many people quite repugnant if not reprehensible.

This wealth [says Lloyd, referring to the wealth of Standard's trustees] is as much too vast for the average arithmetical comprehension as the size of the dog-star [Sirius], 400 times larger than the sun. These incomes are sums which their fortunate owners could not count as they received them. If they did nothing but stand all day at the printing-presses of the Treasury Department while the millions came uncrinkled out in crisp one-dollar greenbacks . . . catching the new dollars as they rolled out from the dies of the Mint, they could not count them. If they worked eight hours a day, and six days a week, and fifty-two weeks in the year, they could not count their money. The dollars would come faster than their fingers could catch them; the dollars would slip out of their clutch and fall to the floor, and, piling up and up, would reach their knees, their middle, their arms, their mouth, and Midas would be snuffed out in his own gold.<sup>55</sup>

The "frontier thesis" is generally associated by modern American historians with the Progressive-era historian Frederick Jackson Turner. Turner posited that the "great supply of free lands [had] year after year . . . served to reinforce the democratic influences in the United States."<sup>56</sup> In his eyes the frontier had always promoted individualism (i.e. atomism), "antipathy to control," freedom from regulation and restraint, and opportunity for unrestricted exploitation. And this individualism Turner equates with democracy, a democracy that the recent close of the frontier now threatened.<sup>57</sup> Such a conception of "democracy" of course lies squarely in the libertarian wing of the

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<sup>54</sup> Lloyd, *Wealth Against Commonwealth*, 311.

<sup>55</sup> Lloyd, *Wealth Against Commonwealth*, 459.

<sup>56</sup> Frederick Jackson Turner, *The Frontier in American History* (New York: Holt, Rinehart and Winston, 1962), 244. This book is a collection of thirteen essays written by Turner between 1893 and 1918.

<sup>57</sup> Turner, 30, 213.

relatively recent Western liberal tradition. It has nothing whatever to do with actual democracy, the democracy of a much older, communitarian tradition going all the way back to ancient Greece that understands democracy to be what the word plainly means: rule by the people. Therefore, Turner utterly misconstrues the significance of that late-nineteenth-century close of the frontier that everyone recognized (it was not news to the reformers).

Many reformers held a "frontier thesis" of their own—one, however, that differed diametrically from Turner's. The shutting off of the safety valve of the frontier, heretofore open throughout the nation's early history, meant that, as Hicks puts it, "The restless and discontented voiced their sentiments more and fled from them less."<sup>58</sup> To Lloyd, as to other reformers (e.g. Henry George), the end of the frontier signified a *reckoning*. The previous abundant supply of "free" land—Indian land still unconquered and unoccupied by whites—had never served any such democratizing function as Turner believed. Its effect was exactly the opposite: it had made possible the temporary *avoidance* of democracy by Americans.

For the first three hundred years of their existence on this continent, says Lloyd, Europeans had been "scurrying about to get what [they] could." People's endeavors were based on "private enterprise, personal adventure. People had to run away from each other . . . to seize . . . the new land, the new liberties which make modern times. . . . But now we are touching elbows again, and the dream of these picnic centuries that the social can be made secondary to the individual is being chased out of our minds by the hard light of the crisis into which we are waking." The fostering of the unconstrained pursuit of self-interest—"possessive individualism," as C. B. Macpherson would later put it—was now out of place. "The true law of business is that all must pursue the interest of all. . . . The safety of the people is the supreme law."<sup>59</sup>

In place of rank individualism, Lloyd proffers an alternative holist or "greatest good" sort of philosophy. "The happiness [and interest] . . . of the whole is not more sacred than that of each [individual], but it is greater. . . . [T]he world is social. The music of the spheres is not to be played on one string. Nature does nothing individually. All forces are paired like the sexes, and every particle of matter in the universe has to obey every other particle."<sup>60</sup> In contrast to his ideal of communal harmony, Lloyd considers the widespread wretchedness of his time—slavery-like sweatshops, dangerous factories and mines employing children, deathly slums—to be the result of "the rule of private self-interest arrived at its destination."<sup>61</sup> Another phenomenon incident to mercenary capitalism run amok is that the resultant complexity of its finances makes the economy as a whole difficult to subject to popular control. "The system grows, as all systems do, more complicated, and gets further away from its first purposes of barter of real things and services. It goes more under the hands of men of apt selfishness, who push it further away from general comprehension and the general good. Tariffs, currencies, finances, freight-rate sheets . . . [such things] become instruments of privilege, and just in proportion

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<sup>58</sup> Hicks, 95.

<sup>59</sup> Lloyd, *Wealth Against Commonwealth*, 495.

<sup>60</sup> Lloyd, *Wealth Against Commonwealth*, 496.

<sup>61</sup> Lloyd, *Wealth Against Commonwealth*, 499.



become puzzles no people can decipher. . . . Out of such delirium monsters are bred."<sup>62</sup>

In his last, posthumous book, *A Sovereign People: A Study of Swiss Democracy* (1907), Lloyd finally turns to a concrete, alternative system of government that he feels might be the solution to the problem of unchecked industrialism. Although the book has Lloyd listed as its author and John Hobson as its editor, it was actually written by Hobson, a friend of Lloyd's and an eminent English economist. Yet it was based on the voluminous notes Lloyd took and the many documents he collected on his trips to Switzerland in 1901 and 1902, the express purpose of which was to study this country's unique political system. It is probably not rash to assume that Lloyd would largely have concurred with Hobson's conclusions.

Switzerland was not and is not a pure democracy, as was ancient Athens, for it retains much of the representative machinery; its government is a hybrid. But it is incomparably more democratic than the United States. In Switzerland the people collectively have the final say on many major pieces of legislation and governmental policies, through *Landsgemeinden* in some small cantons (these are open air assemblies of the citizenry, of which only two remain from the original eight), and the initiative and referendum in most cantons and at the federal level. Of the *Landsgemeinden* Hobson says that "It is impossible to witness one of these solemn gatherings of the sovereign people of a Swiss canton without feeling how much more, in sentiment and thought, self-government means for such men than for those who, in our sovereign states, are gathered by mechanical devices to vote a party ticket bestowing powers of legislation, which they do not understand, upon persons they have never seen."<sup>63</sup> In contrast to Switzerland, in every country where an unmodified representative system has been established "an aristocracy or an oligarchy resting on birth, social prestige or economic power, has obtained such control of the machinery of representation as enables them to impose their class interests upon the policy of government."<sup>64</sup>

Hobson sees that "Merely representative democracy is not democracy, however wide the franchise, however proportionate the representation," because in this system citizens do not directly control government policy or government actions.

[The] political intelligence of the electorate . . . [is] not adequately stimulated and sustained by mere participation in the choice of persons who are to legislate for the people. . . . In a representative parliament . . . there is no adequate security that the measures passed . . . express the will of the people. . . . [G]overnment by the people for the people . . . can only be secured by giving the people an effective veto on the acts of those to whom they have accorded a general power of agency, accompanied by an

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<sup>62</sup> Lloyd, *Wealth Against Commonwealth*, 508-9.

<sup>63</sup> Henry Demarest Lloyd, *A Sovereign People: A Study of Swiss Democracy*, ed. John A. Hobson (New York: Doubleday, Page, 1907), 49.

<sup>64</sup> Lloyd, *A Sovereign People*, 59.

initiative enabling them to compel . . . submission of issues [to the citizenry].<sup>65</sup>

Besides their plainly undemocratic structures, what especially makes representative institutions and their attendant political "machines" unacceptable, says Hobson (echoing Bellamy), is that they are superb vehicles for

those organised business interests which have most to fear from the free, intelligent expression of the popular will, and therefore most to gain by its suppression or reversal. [These interests] buy the machine, and secure that their creatures shall be the chosen representatives and that their will shall receive the popular endorsement. When the people finds out that it has been betrayed, it is angry; but . . . it is too late. Besides, as a rule it has no remedy except through the very channels of machine politics by which the betrayal has been effected. The interest and will of the people are those of a multitude of scattered amateurs confronting the interest and the will of close corporations of professional experts. How can the former secure and hold the control of the machine? So far as powerful capitalist bodies exist . . . so long as lucrative offices are available . . . so long as public expenditure can be made a source of private profit through contracts, loans, and development schemes, this skilled manipulation of the representative machinery will continue. The . . . particular acts of corruption and distortion employed will vary with the local conditions. In some [places] the crudest forms of monetary bribery are used, in others subtler arts of influence; but the strong business politicians, who know what they want and mean to get it, fit their methods to the human material they are handling.<sup>66</sup>

Hobson realizes that the picture is not black and white. If representation were exactly equivalent to outright dictatorship, it would never have lasted as long or as comfortably as it has. "We need not exaggerate these notorious diseases of the representative system. The failure is of course relative, not absolute, the popular will is not impotent, nor are the boss and his paymaster omnipotent in the machine: at any given time there exist known though changing limits to the management of representation, and any transgression beyond those limits is apt to arouse a ground-swell of popular indignation. . . . The people must always be humoured, they must be cajoled rather than coerced."<sup>67</sup> But, humored or not, in representative government the people do not rule. Lloyd and Hobson felt that the people did to a substantial degree rule in Switzerland; hence their great interest in that country's political system.

### Frederic Howe

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<sup>65</sup> Lloyd, *A Sovereign People*, 243.

<sup>66</sup> Lloyd, *A Sovereign People*, 210.

<sup>67</sup> Lloyd, *A Sovereign People*, 210.

Frederic C. Howe (1867-1940) was a prolific political writer, a longtime activist-politician, and an archetypal early-twentieth-century urban reformer. He served in the Cleveland City Council as point man for Democratic reform mayor Tom Johnson (a story in his own right), and in 1906-8 he was an Ohio state senator. In 1912 he helped found the National Progressive Republican League. After World War I, having in the final analysis found American politics to be fatally dysfunctional, he gave up on broad-based politics altogether and committed himself to working exclusively with labor.

Howe was not the most consistent or systematic thinker; he was primarily a practical politician. But at times he got right to the heart of America's political sickness, which he knew from direct experience. In a remarkable chapter in his book *Revolution and Democracy* (1921), he sketches what he conceives as the "properly organized state": "It should express the will of the community easily and accurately. It should be responsive to its wants and needs. It should act almost automatically. And it should not act as a detached thing, but as an integral part of the everyday life of the people."<sup>68</sup>

Howe later outlines, this time a little more precisely, the features of what he regards as "a natural government, a free government, a government that aims to be responsible and responsive to the will of the people":

- (1) It should be simple and easily understood. Issues should be free from confusion. There should be a direct line of action from the voter to the object desired. Once the public has expressed its will, it should be carried into execution.
- (2) Governmental agencies and powers should be close to the people. There should be a large degree of local sovereignty. . . . Local autonomy and decentralization are possibly the most important needs in a free state.
- (3) The voter should act directly. There should be no intermediaries such as electoral colleges, conventions and delegates between him and his representative. Officials should be servants of the people, not their masters.
- (4) There should always be means of direct legislation through such an agency as the initiative and referendum. Direct legislation should be made easy and simple. And any decision of the people should be immune from interference by the courts.<sup>69</sup>

The state of government in Howe's day, however, was the opposite of this. Why? Because the American Constitution was drafted by men "who were apprehensive of democratic institutions. They feared popular government and took precautions to limit the expression of the popular will . . . making the Constitution the complicated, difficult, unworkable instrument that it is[:] . . . an agency of the exploiting classes."<sup>70</sup> As a result "there are innumerable checks to the expression of the popular will." For instance, "A minimum period of four years must roll around before the people can enforce their will or change a

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<sup>68</sup> Frederic C. Howe, *Revolution and Democracy* (New York: B. W. Huebsch, 1921), 98.

<sup>69</sup> Howe, *Revolution and Democracy*, 112.

<sup>70</sup> Howe, *Revolution and Democracy*, 102-3.

government with which they are dissatisfied, while in practice, the issues before the country shift . . . radically from year to year. . . . A really democratic government, a natural government, would shift as the will of the people shifted." Any proposed "political and social changes have to make their way over one veto after another. Legislation must first meet the approval of both branches of the legislature. . . . [It] must then be approved by the Executive. Finally, if contested, it must fight through the barrage of the Federal Courts, which involves from three to six years of litigation."<sup>71</sup> In sum, "every political change and every piece of industrial legislation must adjust itself to a Constitution, written by men for the most part conservative . . . whose opinions we would not accept on any other subject under the sun."<sup>72</sup>

The effect of the multifarious roadblocks—"obstacles to progress"—set up by American government is inevitably stifling. "As a result of these many limitations, any social change has to win a half dozen battles before it wins a victory. . . . Public opinion has to struggle to the point of exhaustion to express itself in [legislation]. Democratic movements have to survive a series of elections to achieve their ends."<sup>73</sup> People naturally want and expect results, but

when success is subject to innumerable obstacles, when the end desired is distant and highly problematical, when the fruits of effort are subject to veto by officials unresponsive to the public will, initiative and effort are discouraged. It cannot be otherwise. And from the earliest step in the promotion of an idea to its ultimate achievement, one hurdle after another is found in the path, which tends to paralysis of effort and the paralysis of our social forces as well. Herein is the real explanation of the failure of American politics. Herein is the explanation of the lack of political interest.<sup>74</sup>

Howe contrasts the worthless organization of the modern state with the more rational organization of the modern corporation. In the latter "There is no conflict of power and responsibility, no checks or balances. A business corporation would go bankrupt if it were subject to the endless checks and delays that inhere in political action. . . . The corporation is a free agency. The political state is in chains. The one is organized for action, the other for inaction."<sup>75</sup>

In his autobiography, *The Confessions of a Reformer* (1925), Howe retraces his entire reform career. As with many others among his reformist contemporaries, his political life was an eye-opening, transformative experience. He began as a "good government" innocent, but learned progressively that the problems of American government are systemic and deep-rooted, and that class interests are, inescapably, of primary significance in American politics. The crippling nature of the political system became most apparent to Howe when he went from the Cleveland City Council to the Ohio state Senate: each higher

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<sup>71</sup> Howe, *Revolution and Democracy*, 105-6.

<sup>72</sup> Howe, *Revolution and Democracy*, 106.

<sup>73</sup> Howe, *Revolution and Democracy*, 109.

<sup>74</sup> Howe, *Revolution and Democracy*, 110.

<sup>75</sup> Howe, *Revolution and Democracy*, 113-14.

level of American government, he found, constitutes yet another line of fortification still more formidably equipped to repulse popular rule than the previous one.

The disturbing thing to me [he relates of his experience in the state Senate] was that by all of the rules of popular government we should have won a sweeping victory. We should have carried through our entire programme [of various reforms, including city ownership of utilities and the initiative, referendum, and recall], which would have democratized the State and made possible the city renaissance of which I had dreamed. . . . [O]ur programme had been approved by the people. It should have been enacted into law. But for some reason or other the government would not work. It stalled, it did not function. Bosses remained unshaken in their power; our measures were buried in committees or crippled by amendment. Many of them were left hanging between the two houses. The supreme court had interfered to block inquiry and investigation. We could only win a skirmish, never a battle. . . . The political machinery itself was at fault; that was the trouble.<sup>76</sup>

"The system," Howe concludes, "was so complex that people could not follow it. . . . Some one had to give all his time to politics just to make the machinery work." Hence the boss. "The boss and his business associates were the real government."<sup>77</sup>

Judges and law courts loom large in Howe's story. These quasi-ecclesiastical relics were the system's trump cards. The "independence" of judges was a bad joke, for they were obviously selected for "their known opinions, prejudices, bias[es]"—not to mention their elite and corporate affiliations.<sup>78</sup> Far from wanting to keep politics out of the judiciary, business interests understood and accepted that "the courts were in politics." Judges "had the final say as to legislation. . . . And this power made them invaluable allies to business interests, especially to the railroads and public-utility corporations, whose contracts with the city or whose rights in the street were subject to regulation."<sup>79</sup>

In the two chapters entitled "I Throw Away Ballast," and "Recasting My Beliefs," Howe recounts how, ideologically speaking, he finally jettisoned the American political system.

My text-book government had to be discarded; my worship of the Constitution scrapped. The state that I had believed in with religious fervor was gone. Like the anthropomorphic God of my childhood, it had never existed. But crashing beliefs cleared the air. I saw that democracy had not failed; it had never been tried. We had created confusion and had called it democracy. Professors at the university and text-book writers had

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<sup>76</sup> Frederic C. Howe, *The Confessions of a Reformer* (New York: Charles Scribner's Sons, 1925), 168.

<sup>77</sup> Howe, *Confessions*, 174.

<sup>78</sup> Howe, *Confessions*, 202.

<sup>79</sup> Howe, *Confessions*, 203.

talked and written about something that did not exist. It could not exist. In politics we lived a continuous lie.<sup>80</sup>

### William U'Ren

While a number of reformers eventually came to show a degree of interest in the mechanisms of "direct democracy," these are what William S. U'Ren (1859-1949) of Oregon concentrated on from early on in his political career.<sup>81</sup>

Lincoln Steffens briefly chronicled U'Ren's early life and career in his book *Upbuilders* (1909), along with those of a few other reformers. U'Ren, the future "Father of the Initiative and Referendum," came from a family of blacksmiths. He noticed that, while in a typical workshop there are plenty of wonderful tools to get various types of work done, "In government, the common trade of all men and the basis of all social life, men worked still with old tools . . . with constitutions and charters which hindered more than they helped. . . . Why didn't some of [the many lawyers] invent legislative implements to help the people govern themselves? Why had we no tool makers for democracy?"<sup>82</sup> In common with other advanced Progressives, U'Ren did not believe that the fundamental problem of government was bad men in politics, for which the solution was removing them from office and replacing them with good men. The problem was structural. "Things make men do bad things. . . . Conditions are to blame for all evil, conditions that can be changed."<sup>83</sup>

One of the incidents that gave decisive direction to U'Ren's political life was his chance reading while in California of a leaflet on something called the "initiative." U'Ren, says Steffens, had noticed that the political evils he saw everywhere he went were the result of "the betrayal of the people by their representatives. And this leaflet showed how the people themselves, outside of and over the heads of their elected representatives, might initiate and pass laws. Here was a tool for democracy; here was a means to achieve the reforms Henry George [had] indicated. U'Ren determined then and there to hammer the proposal contained in this leaflet into a bill and pass it—somewhere."<sup>84</sup>

Sometime afterward U'Ren heard about the referendum from a group of Populists with whom he was living. They in turn had read about it in J. W. Sullivan's *Direct Legislation by the Citizenship through the Initiative and Referendum* (1892), a book that was then circulating throughout the country. (Sullivan, like Henry Demarest Lloyd, had studied the operation of direct democracy in Switzerland.) U'Ren was soon secretary of the newly created Direct Legislation League of Oregon, and he went to work getting the initiative and referendum into the platforms of all of Oregon's political parties (he would later become vice-president of the National Direct Legislation League).

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<sup>80</sup> Howe, *Confessions*, 176.

<sup>81</sup> I put direct democracy in quotes because democracy is necessarily direct; "direct democracy" is therefore a redundancy. An "indirect democracy" is not a democracy at all but rather an oligarchy of some sort.

<sup>82</sup> Lincoln Steffens, *Upbuilders* (New York: Doubleday, Page, 1909), 287.

<sup>83</sup> Steffens, 291.

<sup>84</sup> Steffens, 298.

With discontent widespread due to the depression of the mid-1890s, and with all and sundry demanding that the legislature "rectify all evils," U'Ren organized a mass education program explaining to Oregonians the I&R. Finally, after years of machinations and wheeling and dealing with the politicians, U'Ren succeeded in winning the mechanisms of direct legislation for Oregon in 1902. The famed "Oregon System" (which was replicated in several other states) yielded in its eponymous state a number of reforms including the direct primary, the popular election of Senators, the recall, a corrupt practices act, a railroad commission, a child labor law, a minimum wage law, bank regulation, regulation of female labor conditions, workmen's compensation, and home rule for cities.<sup>85</sup>

Yet, as Robert Johnston shows in his recent study of Progressive-era Portland politics, the I&R combo was by no means a reform panacea. U'Ren's continued efforts to modify Oregon's government after gaining the initiative and referendum there demonstrate that he did not consider the winning of these two mechanisms of government a complete transformation of the representative regime. In 1909 U'Ren's People's Power League proposed a reorganization of state government in which "The governor would have sole authority over all boards and commissions, would introduce appropriations bills, and would appoint almost all of his cabinet as well as a state business manager to supervise the financial affairs of the state. As U'Ren explained, 'on the executive side there must be undivided responsibility—one mind.'"<sup>86</sup> Such a centralization of authority would make it more difficult for the governor to evade responsibility for the actions of the executive. Other provisions of the plan called for the courts to be stripped of their power of judicial review over legislation and for the power of recall to "extend to dissolution of the entire legislature."<sup>87</sup> Combined with the initiative and referendum, the reformers were confident that such measures would result in greater oversight and control of the government by the citizenry.

Other specific proposals by U'Ren and his colleagues in their continuous assault on the existing governmental structure included unicameralism and proportional representation.

In 1912 the People's Power League ran an initiative to abolish the Oregon State Senate, which was plagued by lobby influence as well as outright corruption. U'Ren recognized that at the time of the American constitutional founding, the house of representatives in bicameral legislatures, both state and national, was supposed to represent the people, while the senate was intended—illegitimately—"to represent the wealth of the country."<sup>88</sup> Such blatant, institutionalized elitism had to be eliminated.

Proportional representation was sought by the reformers because in the winner-take-all system the losing parties were deprived of the number of

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<sup>85</sup> Gordon B. Dodds, *Oregon: A Bicentennial History* (New York: W. W. Norton, 1977), 168. By 1917 twenty states had provisions for either the initiative and referendum together or for the referendum only. Steven L. Piott, "The Origins of the Initiative and Referendum in America," *Hays Historical Journal* 11, no. 3 (1992): 15.

<sup>86</sup> Johnston, 138-9.

<sup>87</sup> Johnston, 138.

<sup>88</sup> Johnston, 143.

legislative seats commensurate with their actual electoral strength. For instance, in "the 1907 Oregon legislature, fifty-nine Republicans and one Democrat sat in the House of Representatives. Yet the percentages of the vote earned by each party would have actually translated into a bare majority of thirty-three Republicans, along with twenty Democrats, four Socialists, and three Prohibitionists."<sup>89</sup>

All of the above legislative schemes, parts of which were variously presented as ballot measures by U'Ren and the People's Power League between 1910 and 1914, were defeated.

In 1920 U'Ren came up with another mechanism by which to purge the legislature of its excess of elite-beholden lawyers and thereby democratize state government: occupational representation. As Johnston explains it, "If one out of seven people in the state were farmers, as in the 1910 census count, then one out of seven legislators would be farmers."<sup>90</sup> Obviously, under such a system most of the legislature's members would be ordinary workers. Moreover women, the vast majority of whom also worked (either as homemakers or wage earners) would constitute half of the membership. This would be a drastic alteration in the face of government. It was thought, not unreasonably, that with occupational representation the imbalance between the rights of business and the rights of the people would be reversed: "The undersigned," states the People's Power League, "expect such [common-folk] legislators and governors to make and administer the laws, first, for the welfare of the children; second, for the welfare of the women; third, for the rights of men; fourth, for the rights of property; and last, for the rights of profit."<sup>91</sup> But the occupational representation measure (which in effect would have been somewhat similar to the Athenian practice of filling executive public offices by lot), never made it to the state ballot.

The single tax scheme first introduced by Henry George a couple of decades before, to rectify "the private appropriation of unearned profit," was taken up with gusto by the Oregon Populists.<sup>92</sup> "The single taxers," says Johnston,

believed in . . . complete and direct popular sovereignty over the wealth that society created. . . . [They] held to the tenets of the populist conception of moral economy, especially, that the only legitimate wealth was earned through work. . . . [I]f population alone drove up the price of land, then the commonwealth deserved that increase. . . . The single taxers named names. . . . The Ladds, the Corbetts, the Failings, and other members of the Portland aristocracy consistently appeared in the papers attached to the value of their monopolized land holdings, and single taxers released a list of the 232 largest landowners in Multnomah County.

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<sup>89</sup> Johnston, 143.

<sup>90</sup> Johnston, 153.

<sup>91</sup> Johnston, 155.

<sup>92</sup> Johnston, 159.



The single tax was indeed a serious threat to the ruling class. Unlike many other, more peripheral progressive reforms, it "went right to the heart of modern urban inequality."<sup>93</sup>

The enemies of the single tax, on the other hand, painted it as a mortal "threat to Anglo-Saxon civilization. . . . Henry Reed, Multnomah County's assessor . . . felt that [the single tax] called into question the entire Oregonian pioneer heritage." The pioneers had endured great hardship and fought "savage Indians" in coming west to acquire land. "Reed was implicitly declaring that the descendants of the pioneers would not allow themselves to be expropriated by these latter-day savages."<sup>94</sup> Other opponents of the single tax suggested that "The man who voted yes would vote 'to have the state, in course of time take your home from you and make you a tenant.'"<sup>95</sup> The end result of such vitriolic opposition propaganda was that the single tax was repeatedly defeated at the polls and never did pass.

U'Ren's crusade was the most sustained and impressive of the Progressive-era campaigns to win for the American people direct democracy and its hoped-for benefits. The effort was laudable and heroic. But it must be admitted that it did not succeed in overturning elite hegemony even in Oregon, much less throughout the nation. The author of this study lived for several years in the 1980s in California, a state with direct-democracy mechanisms similar to those of Oregon. But despite the regular and welcome appearance of measures rather than only candidates on the ballot, I never felt that I lived in a true democracy—and of course I did not. (The limits of the I&R as transformative measures will be further discussed below.)

#### REPRESENTATIVE GOVERNMENT VS. DEMOCRACY

A few other voices of the relatively recent past further illuminate the difference between democracy and representative government. Sullivan, in his aforementioned *Direct Legislation*, explained in no uncertain terms:

There is a radical difference between a democracy and a representative government. In a democracy, the citizens themselves make the law and superintend the administration; in a representative government, the citizens empower legislators and executive officers to make the law and to carry it out. Under a democracy, sovereignty remains uninterruptedly with the citizens, or rather a changing majority of the citizens; under a representative government, sovereignty is surrendered by the citizens, for stated terms, to officials. In other words, democracy is direct rule by the majority, while representative government is rule by a succession of quasi-oligarchies, indirectly and remotely responsible to the majority. . . . The county, state, and federal governments [of the United States] are not democracies. In form, they are quasi-oligarchies composed of representatives and executives; but in fact they are frequently complete

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<sup>93</sup> Johnston, 165, 166.

<sup>94</sup> Johnston, 175.

<sup>95</sup> Johnston, 168.

oligarchies, composed in part of unending rings of politicians that directly control the law and the offices, and in part of the permanent plutocracy, who purchase legislation through the politicians.<sup>96</sup>

The sovereignty that the citizens surrender when they vote "is then habitually employed by the lawgivers [and the rich] to their own advantage . . . and to the detriment of the citizenship in general and especially the poor."<sup>97</sup>

The Oregon People's Power League similarly pointed out that "the right to spend large sums of money publicly in elections tends to the choice of none but rich men or tools of wealthy corporations to important offices," and therefore "This certainly is government of the people of Oregon by the combined capitalists, manufacturers, merchants and lawyers. It cannot by any stretch of imagination be called government of the people or by the people."<sup>98</sup>

Earlier radicals in the European socialist/anarchist tradition had criticized representative government in even more pungent and pithy terms. For instance Rousseau: "The English people believes itself to be free; it is gravely mistaken; it is free only during the election of Members of Parliament; as soon as the Members are elected, the people is enslaved; it is nothing."<sup>99</sup> Mikhail Bakunin: "The fiction of popular representation, and the actual fact of government of the masses by an insignificant handful of privileged individuals elected—or even not elected—by hordes of people driven to the polls without ever knowing what or whom they are voting for; the false and abstract expression of an imaginary popular thought and will of which the real and living people haven't the slightest idea—these are the foundations of . . . the theory of the [representative] state."<sup>100</sup> And Lenin: "To decide once every few years which member of the ruling class is to repress and oppress the people through parliament—this is the real essence of bourgeois parliamentarianism."<sup>101</sup>

We need not be dogmatic; there are simple, commonsense reasons why representation cannot equate with democracy. Kris Kobach explains that

Placing intermediary organizations such as legislatures and parties between the voter and the law inevitably warps the expression of popular preferences. Just as successive messengers distort the original message with each telling, parties and parliaments implant biases that appear in the final legislation. They twist popular demands to fit their own agendas, and they suppress issues that may anger financial contributors or special interests. Parties aim to maximize their influence and enact their

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<sup>96</sup> J. W. Sullivan, *Direct Legislation by the Citizenship through the Initiative and Referendum* (New York: True Nationalist Press, 1893), 5.

<sup>97</sup> Sullivan, 96.

<sup>98</sup> Johnston, 124, 153.

<sup>99</sup> Kris W. Kobach, *The Referendum: Direct Democracy in Switzerland* (Aldershot, England: Dartmouth Publishing Company, 1993), 57.

<sup>100</sup> M. A. Shatz, ed., *The Essential Works of Anarchism* (New York: Quadrangle Bks., 1972), 159.

<sup>101</sup> V. I. Lenin, *State and Revolution* (New York: International Publishers, 1932), 8.

platforms, and politicians seek job security. Inevitably, these concerns influence the expression of popular opinion in legislation.<sup>102</sup>

The focus inherent in electoral politics on personalities rather than issues, marketing rather than substance, sensation rather than policy, and identity and demographics (e.g. "the black candidate," "the Hispanic vote") rather than principles, is highly problematic: "Choosing among candidates can be done on many grounds other than issues. Party loyalties, candidate charisma and honesty, the past experience of the candidates, and many other criteria compete for the voters' attention. There is little incentive for citizens to base their votes on a thorough understanding of the policies at stake when other decision-making criteria take less effort."<sup>103</sup>

It need hardly be added, since it is only too well known, that the competitive nature of candidate elections gives rise to an inordinate number of politicians who, whatever outward face they present to the public, are egotistical, opportunistic, scheming, conniving, unscrupulous, and duplicitous. In a word, most politicians are excessively ambitious and self-centered persons highly unlikely to serve the public interest faithfully, diligently, or consistently. Moreover, as the makers and custodians of law and policy, officeholders as a group are naturally the focus of intense attention and the target of overwhelming influence peddling directed toward them by powerful, moneyed interests. It is only to be expected that, once elected, politicians will by and large prove—as in fact they have proven throughout the history of representative polities—eminently manipulable, controllable, and corruptible by these forces, in effect becoming (if they were not from the very beginning) their tools and surrogates. This is not to say that *all* elected officials are necessarily bad apples; at any given time there will be some true champions of the people among them. It is to say that the objectionable character of politicians *as a group* is the logical and predictable outcome of a system in which power is concentrated in the hands of a few individuals rather than possessed by the people as a whole.

Among his "reasons why democracy should openly declare itself the enemy of the representative system," Martin Rittinghausen bluntly stated in his 1897 book *Direct Legislation by the People* that "Representation in government is a fiction and nothing but a fiction. The representative represents only himself, since he votes according to his own wish and not according to the wish of his constituents. He can say 'yes' when the latter say 'no,' and he will in most cases. Representation, therefore, does not exist, unless that term is applied to a continual antagonism [between the representative and his supposed constituents]." Honest candidates, Rittinghausen notes, are no solution: "In a representative assembly many upright natures change their character entirely; the honest man is there the readiest to repudiate his convictions. There are temptations to which it is only possible to expose men under penalty of seeing them succumb. One of these temptations is the power to enrich oneself or one's family, to rise in the worldly scale, that is to say, to oppress one's fellow-

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<sup>102</sup> Kobach, 61.

<sup>103</sup> Kobach, 64.

creatures without incurring any responsibility whatever. Hence continual apostasies."<sup>104</sup>

Given the prevalent failure of understanding on this point by modern observers of all political persuasions, it cannot be stated too strongly that *voting for candidates does not in any way, shape, or form equate with, approximate, or adequately substitute for voting on issues*. The latter process pertains to democracy, the former does not. Democracy is the exercise by the people of their own power; representation is the alienation of this power. For citizens to depend on the electoral process to get their way is like people relying on gambling to get ahead. In both cases some people do win some of the time, but in the long run the vast majority are guaranteed to lose while the system's operators rake in the bulk of the profits. This is not bad luck. It is the nature of the racket, which is designed to produce just such a result.

#### THE INITIATIVE AND REFERENDUM VS. DEMOCRACY

As we have seen, after finding American government ill-suited to the task of safeguarding and promoting the public welfare in the face of dire economic upheaval and a noxious corporatization of the economy, several turn-of-the-century reformers began advocating the establishment of mechanisms of direct democracy. As already stated, although these were useful and valuable where they were instituted, they did not fundamentally transform the United States into the democracy that the reformers dreamed of. This did not happen for several reasons.

First of all, the I&R were not put into operation in all states and localities. Far from it; only a minority of states ended up having the compulsory and binding initiative and referendum. Second, the initiative and referendum did not reach the most important level, the federal level. Strangely, hardly any reformers even contemplated such an extension. Third, even where they were established, the haphazardly operating initiative and referendum did not supplant the extant, full-time representative institutions. De Witt considered the proposed replacement of the latter by the former to be "little short of absurd."<sup>105</sup> Reformers envisioned, and faux-reformers could grudgingly accept, the initiative and referendum as *supplements* to the representative system—"reserve measures" to be used only in "extreme cases" where legislators were exceptionally obdurate.<sup>106</sup> They were not, Theodore Roosevelt pronounced, to be used "wantonly or frequently," but only when the misdeeds and failures of public servants "cannot be corrected in ordinary and normal fashion," for "[t]o use such measures as the initiative, referendum, and recall indiscriminately and promiscuously on all kinds of occasions would undoubtedly cause disaster."<sup>107</sup>

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<sup>104</sup> Martin Rittinghausen, *Direct Legislation by the People* (New York: The Humboldt Library, 1897), 13-15.

<sup>105</sup> De Witt, 143.

<sup>106</sup> Allen H. Eaton, *The Oregon System: The Story of Direct Legislation in Oregon* (Chicago: A. C. McClurg, 1912), 159.

<sup>107</sup> William Jennings Bryan, *A Tale of Two Conventions: Being an Account of the Republican and Democratic National Conventions of June, 1912, With an Outline of the*

In short, the American version of "direct democracy" never attained the depth or the level of sophistication of that of Switzerland, which itself was and is a compromise with representation.

The fact of the matter is that citizens having the ability to vote on a handful of measures of local import once in a while, salutary as it certainly is, does not make an otherwise representative polity democratic. The two basic functions of government are the legislative and the executive. The I&R combo is involved only—and even here not at all satisfactorily—in the first of these; it offers no substitute whatever for the undemocratic executive bodies of the representative system. Democracy, it turns out, is not as easy to establish as the Progressive reformers imagined. It cannot be created by simply grafting the initiative and referendum onto a representative framework. The latter has to be eliminated and replaced with a veritable democratic framework. Once democracy is understood to be government by the people, and its necessary institutions are devised, there is no longer any reason for democrats to countenance representative institutions, which are by their very nature oligarchic.

The referendum, of course, is a purely reactive institution. The citizens approve or disapprove legislation drawn up by elected officials *who are not at all actually representative of the citizens themselves*. The truly democratic way is for a *representative sample* of the citizens to set an agenda and recommend courses of action to the general citizenry. Citizens, in their capacity as executives, thereby guide *themselves* in legislation. Both the referendum, where it is not automatic (i.e. required for all major laws enacted by the legislative body), as well as the initiative, are exceedingly slow and cumbersome processes. Since the people do not meet automatically in democratic assemblies—at all, much less frequently—one has to go about gathering signatures, which can take months, and then wait for an election, which may not be for a year or two. And the campaigns are played out almost entirely via the corporate media, itself a thoroughly biased elite institution. It thus takes considerable resources for non-corporatist groups to mount referendum or initiative campaigns and present them properly to the public, with the result that the entire process, originally meant to be a popular one, has been largely co-opted by moneyed interests and specialized political organizations.

Furthermore, the initiative, as well the referendum where it is not automatic, is a scattershot business. Since the people are not the routine legislators, they intervene in the legislative process relatively infrequently and in highly disorganized fashion. By contrast city councils, state legislatures, and the U.S. Congress as a matter of course, in a coordinated manner, and on a daily basis deal with and pass innumerable pieces of important legislation. True sovereignty, in other words, cannot be properly exercised through such a desultory, sluggish, troublesome, and compromised process as that of the initiative and referendum. Compared to people meeting to discuss and decide all major issues under the sun as in a straightforward democracy, the I&R are incredibly inefficient mechanisms of government. They are by their nature not

suiting to the concerted fashioning and the sustained pursuit of a coherent set of programs such as is done by deliberative bodies.

Finally, one of the putative advantages of the I&R for our "busy" and impersonal modern society is that these institutions make democracy possible without people having to meet together physically.<sup>108</sup> This may appear to be a positive convenience, but in reality it is far better for democracy—indeed probably essential for its proper functioning—that citizens *do* meet and converse with one another. There is no reason to separate democracy from community, for the two go hand in hand.

Apropos of this last point, Kevin Mattson, in his *Creating a Democratic Public* (the story of the Progressive social centers movement), argues that true democracy requires "public judgment," which develops only where there is a "democratic public." And the latter consists of citizens gathering together "to deliberate and make public judgments about local and national issues that affect their lives." Public discussion fosters in citizens certain vital communication skills: listening, arguing, persuading, compromising, and seeking common ground. Only through the active exercise of these skills can citizens "educate themselves in order to make informed political decisions."<sup>109</sup> As one Progressive-era civic club's preamble put it, "[T]he world needs men and women who can think clearly and express their thoughts well."<sup>110</sup> The passive and uncontextualized reception of putative facts from individual news and information sources is insufficient for the formation of intelligent public opinion. Structured and purposeful deliberation on the part of the people, incorporating "the interpretation which the other members' of society offer," is required.<sup>111</sup>

Democratic deliberation promotes not only sound public judgment but also substantive political equality:

According to [Charles] Ferguson, in a democracy "every man becomes a teacher—and a learner" . . . [with] all citizens contribut[ing] to public debate in some way. . . . Citizens learned in social centers that they needed one another to come to intelligent public decisions. . . . Citizens helped teach one another the skills of public deliberation, and by deliberating together citizens learned to rely on one another. It did not matter what class or racial background a person came from, since . . . [all] gathered as equals to listen to one another. What a person contributed to public dialogue was all that mattered. . . . Anyone who came to a civic club debate understood that they had to respect the merit of people's ideas and that they could not attack people's characters, only their arguments. . . . [W]e should

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<sup>108</sup> Gregory A. Fossedal, *Direct Democracy in Switzerland* (New Brunswick, NJ: Transaction Publishers, 2002), 7.

<sup>109</sup> Kevin Mattson, *Creating a Democratic Public: The Struggle for Urban Participatory Democracy During the Progressive Era* (University Park, PA: Pennsylvania State University Press, 1998), 4.

<sup>110</sup> Mattson, 55.

<sup>111</sup> Mattson, 74.

understand [this] as promoting the principles of respect, civility, and critical discussion.<sup>112</sup>



The American Progressive Era was the first and last time in either Britain or the U.S.A. that the representative system forged in the crucible of the seventeenth-century English revolutions—and reproduced in variant form a century later by the winners of the so-called American Revolution (more properly called the American War of Independence)—was fundamentally challenged. The theoretical critique of American government by the Progressives was incisive and often spot on, but the practical alternative they finally offered, from a democratic point of view, was woefully inadequate. The shining example of Athens therefore still sits, untranslated into modern democracy, in the vault of history.

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<sup>112</sup> Mattson, 73, 75.

## CONCLUSION

"The Athenians." This was the term Thucydides used most often when referring to the sovereign at Athens. For the collective citizenry—the demos, constantly meeting and "deciding everything for themselves," to Aristotle's consternation—ruled in this ancient state.

Such was not the case in medieval England, the land of our political ancestors. Like the vast majority of Europeans in that epoch, the English people labored under hereditary kings. One person, simply because he happened to be born to the previous monarch, was the lawful ruler of the entire nation, no matter how mediocre or tyrannical a person he was or how objectionable his governance might end up being. Absurd as it may seem to us today, this was in fact the system of government that people endured for a thousand years. However, concerted resistance to the monarch's authority on the part of the English elite developed by the beginning of the thirteenth century and grew, though flaring up only intermittently, in the succeeding centuries.

Then, toward the end of the middle ages, as a result of a European-wide intellectual awakening—the Renaissance and then the Reformation—an issue of fierce contention came to occupy the center stage of politics and would not go away: religion. On this issue successive English monarchs and much of the elite diverged perennially and violently. One wanted it one way, the other wanted it another way. The Parliamentarians in time rose to challenge the monarchy itself, thereby attacking the very system of government. The ruled won the long ensuing contest with their ruler, permanently taking over from him the ultimate control of the state.

The new system was the parliamentary, or representative, system. It was through this institutional vehicle that the elite now ruled. Being an oligarchic organ, Parliament naturally did not primarily serve the interests of the people at large. English radicals known as Commonwealthmen attempted to rectify this state of affairs but failed. Despite the deficiencies of the British constitution, the political nation was broadly satisfied with this wondrous, relatively recent creation. In any event, the changes the Commonwealthmen sought would not have amounted to an overthrow of oligarchy.

Across the Atlantic the American colonists decided they would prefer to be an independent country. Not surprisingly, the elitists among the revolutionary leaders proposed an oligarchic form of government basically similar to that of the mother country's, minus the monarchical vestige and with a somewhat different facade. These Federalists overcame Antifederalist resistance based on the same proto-democratic principles as those held by the British Commonwealthmen. Hence the successful erection of the oligarchic American Constitution.

It was not until the late nineteenth century that a profound movement challenging the prevailing regime arose in either of the two major English-speaking countries, and this was due to a runaway corporate industrialization of the U.S. economy. The most significant reform sought by the American Progressives, constitutionally speaking, was the introduction of "direct democracy"—the initiative and referendum. These mechanisms were in fact put in place in some states. But on the whole the constitution of the United States



was not dramatically changed. The system, like its parliamentary cousin, continued, and continues in the present, to be an oligarchy. There has not as yet been any attempt anywhere to resurrect the historical model of true democracy—that of Athens.

This story, entailing large systems of government and their evolution or replacement through millennia, has necessarily been a very wide-ranging and long one. For it is only when we view the "big picture" that we can see where we are positioned on the scale of political evolution, how far we still are from democracy (if indeed this is our ideal), and what it might take to realize it.



In his very thought-provoking book, *Crop Circles: The Bones of God*, Michael Glickman states that

It is obvious that the scale and sophistication of our technologies have far outstripped our ability to manage them with common sense. Our inventiveness is overwhelmed by our acquisitiveness, greed, and fear. So immersed are we in our aggressive and selfish national posturings that we have, to our shame, lost our ability to protect the planet and guarantee a future to our children. This is beyond reason and must appear suicidally lunatic to any rational observer.<sup>1</sup>

Lunatic indeed. On so many levels that it is tiresome to list them, we humans are clearly at a most critical point in our relatively short history. Since we came upon the earth's stage, just yesterday in geological terms, the trajectory of our destructiveness to ourselves, to our fellow living beings, and to the planet itself (think spears to nuclear bombs, scattered village farms to continental agribusiness) has been meteoric. If the Puritans in the sixteenth century could see that Englishmen had to get more serious if their society were to be a worthy enterprise, then surely we today can see that we as a species must change our ways in the most radical manner imaginable if we are to avert going down in the annals of the universe as the wreckers of the earth.

We can no longer afford to rejoice in the wonders of our "free" governments, wherein—*glory of glories!*—we get to elect our masters and send them supplicating emails. There is nothing wondrous or glorious about the representative system in the twenty-first century. It was an advance in government centuries ago when kings held sway, but now, with society (despite its destructiveness) having progressed to a higher stage, it is representation in the former place of monarchy that is seen to be a palpably barbarous and inadequate governmental arrangement, one unfit for thinking beings. What we need—that without which it seems we are pretty much doomed—is an effective mechanism of collective self-control on the part of the entire population. The answer to this existential necessity is democracy. It is high time we take the next step in our political development.

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<sup>1</sup> Michael Glickman, *Crop Circles: The Bones of God* (Berkeley: Frog Books, 2009), 133.

## Appendix A: A Modern Democracy

The scheme below, based on Athens but adapted to our twenty-first century geographic and demographic realities, is a rough sketch of what a democratic system might look like in the present. It embodies the two central features of democracy in any age: the legislative sovereignty of the citizen body and the exercise of executive and judicial functions by large, random-sample committees of the citizenry. The backbone of the system is something with which many Americans are already familiar: the neighborhood or town meeting. The full system is an amplification of this core.

1. The legislature is the entire set of adult citizens of the nation. The citizens gather in Primary Assemblies at the community level twice per month at scheduled meetings and at other times if necessary. They address, discuss, and vote on issues—laws and policies—pertaining to the several levels of government: community, area (metropolitan area or rural county), state, and national. These topics are prepared and placed on the agenda by the various Councils (see below). Measures pass by majority vote.

2. The executive institution is replicated at each level of government, with a strict hierarchical relationship obtaining between levels, the higher level being absolutely superior to the lower. The executive is the Council of Five Hundred. The members are chosen annually and randomly from among all citizens in the polity at the given level, the term of office being one year. The meetings and proceedings of this body, which is in constant session, are organized and facilitated by a Committee of Fifty consisting of citizens randomly selected from among the five hundred Council members each month. The Committee is chaired by a Board of Five selected daily and randomly from among its members, with one of the five chosen randomly (subject, however, to the continuous approval of the other four) to act as moderator. Decisions in the Council of Five Hundred and in the Committee of Fifty are by majority vote.

The Council has up to five functions, depending on its level:

(1) The Council at each level (e.g. state) discusses the societal issues of the day and sets the agenda for its level, which is then incorporated, along with the agendas for every other level, into the general agenda of the Primary Assembly meetings. The Council continually receives and considers suggestions from the citizenry as to what should be placed on the agenda, and it may recommend courses of action on the agenda items. The various Councils may call additional meetings of the Assemblies at times other than the scheduled dates if this is deemed necessary.

(2) Each community Council, through its Committee of Fifty and Board of Five, presides over Assembly meetings.

(3) The Council at each level executes the decisions and policies decided on by the Assemblies for that level, with the assistance of a bureaucracy completely under its control, direction, and supervision consisting of various officers (including police and military), technicians, boards, committees, commissions, and agencies.

(4) The national Council, through its Committee of Fifty and Board of Five, communicates with governments of other nations and meets with their delegations. The national Board of Five is at any moment the "head of state."

(5) The area Councils, the state Councils, and the national Council all run court systems consisting of 201-member to 501-member bodies of randomly selected citizens hearing and deciding criminal and civil cases, with the assistance of legal professionals as necessary.

## Appendix B: The Athenian Revolution

Josiah Ober, Kurt Raaflaub, and Greg Anderson agree that Athens developed into a genuine, radical democracy. But the question for them is, exactly when and how?<sup>1</sup> Although certainly interesting, this rather specific problem might not seem particularly urgent to the general student of politics, for whom the mature Athenian democracy is a remarkable phenomenon no matter when or how it came about. Yet to the student of revolution the dynamics of constitutional development and change are as important as established systems in their final form.

Ober claims that Cleisthenes' reforms in 508 constituted a "revolution" that ushered in democracy, while Raaflaub, in an extended debate with him, contends that it was only with the reforms of the 460s associated with Ephialtes, fully incorporating the lowest class—the thetes—into the citizen body, that Athens could properly be called democratic.<sup>2</sup>

At the time of the original 508 reforms, Raaflaub points out, it was the propertied hoplite warrior-farmers, not the propertyless urban thetes, who constituted the fringe class whose time had come to become fully integrated into the polity. In the new system introduced by Cleisthenes the thetes were expected to remain distinctly second-class, "silent" citizens.<sup>3</sup> Democracy was therefore not yet at hand. Moreover, the new institutions embodying the demos—the Council of Five Hundred and the enhanced Assembly—did not *replace* the archons and the Areopagus Council, which continued to exist and to represent aristocratic leadership and authority. The new centers of power at best only counterbalanced the old.<sup>4</sup> It was only with Athens' transformation into a formidable maritime power decades later that the then militarily important thetes (the rowers of the ships) could begin to be regarded as ready for a significant share in politics. It was at this time that Ephialtes' further reforms stripped the Areopagus Council of many of its powers and transferred them to the demotic organs. Other democratic measures included the introduction of pay for public office and the opening of most offices to *all* citizens, including the thetes. "Thus for the first time [the thetes] came to enjoy full political equality and participation"—i.e. only now had democracy finally arrived.<sup>5</sup>

Ober, however, counters that the Athenian revolution had less to do with any constitutional formulations presented by any great leader, whether Cleisthenes or Ephialtes, than with the awakening of the consciousness of the people and their involvement in the direct action following Cleisthenes' introduction of his reforms. Herodotus told how Isagoras, Cleisthenes'

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<sup>1</sup> Kurt A. Raaflaub, "Power in the Hands of the People: Foundations of Athenian Democracy"; Josiah Ober, "Revolution Matters: Democracy as Demotic Action (A Response to Kurt A. Raaflaub)"; Kurt A. Raaflaub, "The Thetes and Democracy (A Response to Josiah Ober)"; in Ian Morris and Kurt A. Raaflaub, eds., *Democracy 2500?: Questions and Challenges* (Dubuque, IA: Kendall/Hunt, 1977), 31-103. Anderson, *Athenian Experiment*.

<sup>2</sup> Raaflaub, "Power in the Hands of the People," 33.

<sup>3</sup> Raaflaub, "Power in the Hands of the People," 43.

<sup>4</sup> Raaflaub, "Power in the Hands of the People," 43, 44.

<sup>5</sup> Raaflaub, "Power in the Hands of the People," 49.

aristocratic rival who evidently opposed the reforms, appealed to the Spartan king, Cleomenes, for aid in his cause. The latter then led a military force to Athens, expelled Cleisthenes and his supporters, and along with Isagoras occupied the Acropolis. The Athenians responded by besieging the foreign invaders and their Athenian client at this site, forcing the Spartans to withdraw after three days. They then executed the Athenian antidemocrats and recalled Cleisthenes and the other exiles.<sup>6</sup> The Athenian democracy, then, was the product of mass action by the citizens in the siege of 508. It materialized then and there; it did not have to wait for any later reforms. Democracy, says Ober, is about a state of mind more than about institutions. It pertains when the people have the "*power . . . to make things happen.*" "[D]emocracy became . . . a reality when the demos became a self-conscious and willful actor in its own right."<sup>7</sup> Raaflaub's analysis of the legal status of the thetes in Athens is irrelevant, for they were surely among the united besiegers, full participants in the revolution.

In Raaflaub's counter-rebuttal to Ober, he points out that Cleisthenes had already drawn up his proposed reforms and won the demos' approval of them before Cleomenes arrived; indeed, this was why Isagoras called the Spartan in. So the "ideological shift" toward democracy that Ober credits to the masses must largely have already occurred under the direction of Cleisthenes and his elite colleagues before the mass uprising, which, after all, was in defense of the Cleisthenic reforms. Already, therefore, this was no "leaderless" revolution. Moreover, just because Herodotus does not name any other leaders on the reformists' side during the turmoil after Cleisthenes' expulsion does not necessarily mean that there were none.<sup>8</sup> In any event democracy, Raaflaub contends, has to do with actual, *institutionalized* power inhering in the masses, not with elite-driven ideologies or isolated mass actions: democratic *institutions* are the essence of democracy. "Demotic action . . . may well reflect people's power in the making, but unless it . . . [imposes institutions] that guarantee control of power by these very masses—such action hardly qualifies as the beginning of democracy."<sup>9</sup> In Raaflaub's view, veritable democracy requires "full political participation and sharing of power by the lower classes," not just their momentary involvement in a popular uprising.<sup>10</sup> Such participation did not emerge and become institutionalized in Athens until mid-century.



The Athenian democracy has received a great deal of attention from historians. Less so the evolution of the Athenian state as such. "Athens," as we have already observed, was not just the city of Athens but the entire region of Attica. This polity was anomalously large by ancient Greek standards. It was so large, in fact, that it is more appropriate to call it a "region-state" than a city-

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<sup>6</sup> Herodotus, *The Histories* (London: Penguin, 1996), 5.69-73.

<sup>7</sup> Ober, "Revolution Matters," 71.

<sup>8</sup> Raaflaub, "The Thetes and Democracy," 88-89.

<sup>9</sup> Raaflaub, "The Thetes and Democracy," 90.

<sup>10</sup> Raaflaub, "The Thetes and Democracy," 90.

state.<sup>11</sup> The political incorporation of early Attica into what finally became greater Athens is the subject of Greg Anderson's work.

The ancient historians claimed that Attica had been unified in their own distant past, and this belief has been uncritically accepted by modern historians. It is a view, however, for which Anderson sees little basis. At the "international"—i.e. the Mediterranean—level, Attica had been insignificant before the classical period. It was easily invaded by its neighbors, which would hardly have been the case had it been unified.<sup>12</sup> Several other pieces of evidence point to the conclusion that the unification of Attica was not fully accomplished until relatively late, the most compelling of which is that certain important families, when exiled from Athens in the sixth century, did not have to leave Attica. Apparently the places where they lived during exile, though still in Attica, were at that time not considered part of the Athenian polis.<sup>13</sup>

The import of all this is that Cleisthenes' remarkable reforms of 508 were even more significant than has hitherto been recognized. The reforms did not just introduce democracy into Athens. Even more elementally, they created the Athenian region-state that henceforth would encompass all of Attica, for at bottom the reforms were "a series of institutions which were expressly designed to link Athens directly with settlements all over Attica."<sup>14</sup> They would thereby help to transcend parochialism and foster Athenian nationalism.

Through the new demes [local units], even the most far-flung inhabitants had immediate access to Athenian citizenship and were now, for the first time, routinely enrolled as full members of the polis community. At the same time, the [ten] new tribes [into which the citizens were now grouped] provided unprecedented, institutionally secure opportunities for all eligible males to participate directly in the political and military life of the city. So, too, the tripartite composition of the [artificial tribes, each consisting of a mix of city, shore, and inland demes] not only ensured that no tribe fell prey to the interests of a single locality or subregion but also encouraged all citizens to see themselves as part of a regionwide political community as they rubbed shoulders with fellows from very different parts of Attica in the new tribal assemblies, Council of 500, and national army.<sup>15</sup>

But what about the relationship between Cleisthenes' reforms and *democracy*? Raaflaub, it will be recalled, seems to have succeeded in debunking Ober's case for a democratic Cleisthenic revolution. Anderson comes to Cleisthenes'—and thereby also Ober's—defense, but from a more nuanced perspective. He concedes that the thetes were probably not immediately empowered in 508.<sup>16</sup> Still, he regards the 508 reforms as constituting a fundamental shift in Athens to "mass politics." The new and enhanced role of the Assembly is the key. Its increased power signifies a shift in emphasis from

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<sup>11</sup> Anderson, *Athenian Experiment*, 3.

<sup>12</sup> Anderson, *Athenian Experiment*, 15.

<sup>13</sup> Anderson, *Athenian Experiment*, 28-33.

<sup>14</sup> Greg Anderson, unpublished study on the early development of Attica, chap. 1, 44.

<sup>15</sup> Anderson, *Athenian Experiment*, 40.

<sup>16</sup> Anderson, "Attica," chap. 2, 10.

individual to collective authority in government.<sup>17</sup> Several specific measures reflect this, most importantly (1) the introduction of ostracism, whereby the Assembly can banish from the city any discredited leader it wishes, (2) the introduction of "isegoria"—the right of any citizen to address the Assembly, (3) the creation of the Council of Five Hundred, indicating "the large volume and significance of the business now to be transacted in the Assembly,"<sup>18</sup> (4) the building of the spacious new Pnyx amphitheater for Assembly meetings, which "clearly presupposes a deliberative process in which mass participation would be a key ingredient,"<sup>19</sup> and (5) a vast enlargement of the Assembly's jurisdiction and field of competence, including decisions on war and peace and the imposition of the death penalty.<sup>20</sup> Thus, "with the Assembly now assuming direct control over state policy and legislation, the cornerstone of later *demokratia* was effectively laid."<sup>21</sup>



The foregoing discussion has shown how sophisticated in conception and how complex in process was the building of the Athenian democracy. Each of the three featured authors highlights a different aspect of the Athenian revolution, all important. In order to be able to assess their respective contributions, however, we need to be somewhat careful about the use of the word "revolution."

Revolution is not simply rebellion. A revolution is a rebellion that goes beyond merely registering discontent, or wreaking havoc, or changing a specific governmental policy, or replacing particular elite rulers with others. It is one, rather, that aims to replace one broad system of power with another. And this requires concerted, original thinking on the part of intellectuals and leaders. As Lenin once said, "Without a revolutionary theory there can be no revolutionary movement." Simply put, rebellions can be carried out by inchoate masses; revolutions cannot. Ober is certainly right to insist that no one "Great Man" can make a revolution alone: even if he devises one, the masses must be activated and induced to make the struggle their own. Ober has gone overboard, however, in making the people as a whole the independent instigators of the Athenian movement, for it was patently based upon a very sophisticated plan drawn up by one person or a small group (even if the relevant documentary evidence and the explicit theoretical justification for it are lost). However Cleisthenes came up with his novel program, it was undoubtedly he who got the ball rolling on the march to democracy. Hence Raaflaub's emphasis on leadership and the contents of the reform program is surely more useful than Ober's celebration of the fighting spirit of the common people, whose heroic action, in this case as in

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<sup>17</sup> Anderson, "Attica," chap. 2, 12.

<sup>18</sup> Anderson, *Athenian Experiment*, 53. Anderson argues at length and persuasively against the existence of a previous Solonian Council of Four Hundred and against the radicalness of Solon's reforms in general.

<sup>19</sup> Anderson, *Athenian Experiment*, 54.

<sup>20</sup> Anderson, *Athenian Experiment*, 55-6.

<sup>21</sup> Anderson, "Attica," chap. 2, 59.

countless others throughout history, was not in and of itself sufficient to bring about radical political transformation.

Anderson further sees that the making of the Athenian democracy entailed not only a change from one form of government to another within the same state but the creation of a new state altogether: a greater, unified Athens out of the loose territory of Attica. The making of democracy in Athens was thus a very deliberative act of statebuilding on a grand scale—"a bold exercise in social engineering."<sup>22</sup> Anderson rightly stresses "the extreme artifice of the new system" of political units.<sup>23</sup> The array of marvelous institutional innovations associated with the 508 revolution attests to the involvement of a superior mind.

The question of whether the new polity required the inclusion of the thetes to be properly called a democracy is rather less critical. As explained much earlier in connection with the issue of slavery, there are degrees of democracy, and unquestionably the inclusion of all classes and groups is the ideal. But the more crucial task is the initial building of the structural framework—the form and machinery of government—into which more and more strata and groups can then be incorporated.

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<sup>22</sup> Anderson, *Athenian Experiment*, 5.

<sup>23</sup> Anderson, *Athenian Experiment*, 8.



## Appendix C: War and Empire at Athens

In the wartime Mytilenian debate in Athens, described earlier, Diodotus argued that it would be senseless for the Athenians to punish all the citizens of Mytilene, rebels and non-rebels alike, since "in all the cities the democracy is friendly to you; either it does not join in with the oligarchies in revolting, or, if it is forced to do so, it remains all the time hostile to the rebels, so that when you go to war with [the oligarchs], you have the people on your side."<sup>1</sup> Not only did Thucydides' *History* brilliantly illustrate the dynamism of the Athenian democracy, it also showed that democracy itself, as a controversial political phenomenon, was at the very heart of both the war between the Athenian and the Spartan alliances, and the civil wars within many of the Greek states.

Thucydides' most vivid and harrowing depiction of civil war is that of Corcyra: "a great revolutionary struggle."<sup>2</sup> Here "democrats" and "oligarchs" intrigued against, fought, and slaughtered one another in unrestrained ferocity. The democrats accused the oligarchs of conspiring to overthrow the democracy, while the oligarchs charged the democrats with trying to enslave the city to Athens. Yet, for all its seemingly exceptional character, one of the most important things to note about Corcyra is that it was only one among many revolutions and civil wars that, throughout the Peloponnesian War and beyond, convulsed "practically the whole of the Hellenic world . . . with rival parties in every state—democratic leaders trying to bring in the Athenians, and oligarchs trying to bring in the Spartans." For "it became a natural thing for anyone who wanted a change of government to call in help from outside."<sup>3</sup>

In recounting the case of Corcyra, Thucydides is primarily concerned to draw a lesson on the darkness of human nature and the danger of runaway factional passions. But here, as in his *History* as a whole, practically the only substantive issue he documents is this very question of the form of government—democracy or oligarchy: "[O]n one side political equality for the masses, on the other the safe and sound government of the aristocracy. . . . Society had become divided into two ideologically hostile camps."<sup>4</sup> Underneath his copious, hackneyed moralizing, Thucydides makes plain the class basis of the "breakdown of law and order." The virulent civil strife, though lamentable, represented for the lower classes of Greece a golden opportunity to reconfigure their political world, to rectify the inequitable social order. Those who had been "arrogantly oppressed instead of wisely governed" and who "wished to escape from their usual poverty" sought "revenge" and "coveted the property of their neighbors."<sup>5</sup> And the means they suddenly found available to them in this time of geopolitical conflict was to ally themselves with Athens, thereby attaining, even if under Athenian imperial hegemony, some measure of local democracy.

Besides his prime case study of Corcyra, Thucydides mentions more briefly several other clashes that illustrate the democrat vs. oligarch essence of the cities' internal divisions.

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<sup>1</sup> Thucydides, 3.47.

<sup>2</sup> Thucydides, 4.48.

<sup>3</sup> Thucydides, 3.82.

<sup>4</sup> Thucydides, 3.82-3.

<sup>5</sup> Thucydides, 3.84.

At Megara pro-Spartan oligarchs were "driven out in a revolution by the democratic party," which then decided to surrender the city to the Athenians.<sup>6</sup> The pro-Athenians lost the ensuing struggle and an oligarchy was established in Megara.

In Boeotia "some people" in the cities intrigued with Athenian generals "with a view to overthrowing the regime and introducing a democracy, as at Athens."<sup>7</sup>

On his march north toward Thrace, the Spartan general Brasidas had to pass through oligarchic Thessaly. The problem was that "the [common] people of Thessaly [as opposed to its rulers] had always been on good terms with Athens," and he encountered some resistance. Eventually he talked his way through. Thucydides comments that "if the local form of government had been democratic instead of being in the hands of a powerful class, Brasidas would never have been able to go forward."<sup>8</sup>

The "democratic party" of Leontini (in Sicily) "was planning a redistribution of the land. The governing classes, realizing this, called in the help of the Syracusans and drove the democrats out." In response to this move the Athenians sent out an ambassador to try to patch together a Sicilian coalition against Syracuse.<sup>9</sup> (This was a preliminary to the great Sicilian expedition.)

In the fourteenth year of the Peloponnesian War a combined force of Spartans and oligarchic Argives went to Sicyon (in the northern Peloponnesus) and "reorganized the government there on more oligarchical lines; afterwards [all the oligarchic forces] united and suppressed the democracy at Argos, replacing it with an oligarchical government favourable to Sparta." The following year the Argive democrats regrouped and attacked the oligarchs. "In the fighting that broke out in the city the democrats were victorious; they killed some of their enemies and exiled others." The still-apprehensive democrats sought an Athenian alliance and built long walls to the coast so that they could receive supplies from Athens. "The whole of the Argive people, men, women, and slaves, joined in the work of building, and [Athenian] carpenters and masons came to help." The following winter the invading Spartans destroyed the walls, though they were unable to capture the city itself. In its place they "took the Argive town of Hysia, putting to death all the free men who fell into their hands."<sup>10</sup>

The history of the island of Samos during the Peloponnesian War is one of severe and continual civil strife. Even before the war, "various private individuals . . . wished to set up there a different form of government" (apparently it was oligarchic), and they called on Athens for support. "So the Athenians sailed to Samos with forty ships and established a democracy there." Resistant oligarchs who had fled to the mainland, however, "entered into communications with the leading oligarchs still in the city and also made an alliance with . . . the Persian Governor at Sardis. They raised a force of about 700 mercenaries, and . . . made an attack on the democratic party and

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<sup>6</sup> Thucydides, 4.66.

<sup>7</sup> Thucydides, 4.76.

<sup>8</sup> Thucydides, 4.78.

<sup>9</sup> Thucydides, 5.4.

<sup>10</sup> Thucydides, 5.81-3.

imprisoned most of the leaders; then they . . . declared themselves independent," and handed over to the Persians the Athenian troops and officials they had captured.<sup>11</sup> Athens responded by sending a large fleet to Samos, and in a major naval engagement the Athenians defeated an equally large Samian fleet. The Samian oligarchs, however, continued their resistance, finally surrendering only after a long siege. But it seems the Samian oligarchs regained control some time afterward, for much later, in 411,

there took place the rising of the people against the ruling classes in Samos. This was done in co-operation with some Athenians who were there with three ships. The people of Samos put to death about 200 in all of the most prominent people in the governing class, exiled 400 more, and took their land and houses for themselves. After this the Athenians passed a decree giving them their independence, regarding them as being now quite reliable, and they took over the government of the city for the future. The landowners were entirely excluded from the government and no intermarriage was any longer permitted between them and the people.<sup>12</sup>

Samos in fact soon became the Athenians' primary base of naval operations in Ionia. At about the time of Athens' own oligarchic coup, Samian and Athenian democrats on the island thwarted an oligarchic attack on the Samian democracy. Thereafter the Samians remained loyal to democratic Athens, which, after its defeat in 405 ending the Peloponnesian War, rewarded them with Athenian citizenship.

Xenophon, taking up where Thucydides abruptly left off at the end of his *History*, is just as explicit about the politico-ideological—i.e. class—basis of the endemic civil wars within the Greek city-states. A couple of specific examples suffice to demonstrate the point.

At the end of Thucydides' account, the Peloponnesians were in control in Rhodes. Evidently the situation had changed by the time Xenophon wrote, for "Now those of the Rhodians who had been banished by the democratic party came to Sparta, where they pointed out that the Spartans ought not to allow Athens to subdue Rhodes and thus gain such a powerful position for themselves. Realizing that if power went to the democracy the whole of Rhodes would go over to Athens, while if the richer classes were in power the island would be on their side," the Spartans sent a fleet to Rhodes to support the exiles.<sup>13</sup> In response to this and other Spartan activities in Ionia, the Athenians sent out Thrasybulus with forty ships to take countermeasures. But upon his arrival he judged that the pro-Athenians in Rhodes were in a strong position and doing well enough by themselves, so he went instead to the Hellespont, where he "changed the government in Byzantium from an oligarchy to a democracy. The result of this was that the common people of Byzantium were glad to see as many Athenians as possible present in their city."<sup>14</sup>

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<sup>11</sup> Thucydides, 1.115.

<sup>12</sup> Thucydides, 8.21.

<sup>13</sup> Xenophon, 4.8.20.

<sup>14</sup> Xenophon, 4.8.27.

During the Peloponnesian War Sparta had been well in control of the entire Peloponnesian peninsula. But by the 380s several northern states had begun to assert their independence. Accordingly, Sparta sought to reimpose her overlordship. One of the rebellious states was democrat-led Mantinea. Sparta ordered the city to pull down its fortifications as a gesture of loyalty. When the Mantineans refused, the Spartans laid siege to the city, in the process damming up—downstream—the river that flowed through it. Naturally the water level in the city rose precipitously, and the Mantineans were forced to sue for peace. But now the Spartans were not content with the Mantineans' agreeing to pull down their walls. They demanded in addition that the population be split up and live in a number of separate villages. The Mantineans capitulated; the city's fortifications were duly demolished "and the Mantineans were split up into four separate villages just as they used to be in ancient times." Most Mantineans were understandably upset about having to tear down their houses and build new ones. "Owners of landed property, however, were pleased . . . [that] their government was now run on aristocratic lines."<sup>15</sup>

The case of Mantinea is one of several recorded by Xenophon exemplifying the Spartans' reactionary anti-urban policy. They seem to have recognized that large urban concentrations fostered democratic, pro-Athenian inclinations in their sizable working-class populations.

Athens was not forever the only champion of the democratic forces fighting the Spartans. By the second decade of the fourth century Thebes was fast becoming a power to be reckoned with in Greece. After this state joined the fray on the side of Athens, Sparta mobilized against it. The Thebans successfully repulsed the initial Spartan invasion and then formed a democratic Boeotian Confederacy.<sup>16</sup> For the next three years there existed a state of war between Sparta and Thebes, with Athens, which had managed to reorganize her allies into a Second Athenian Confederacy after her initial defeat in the Peloponnesian War, supporting the latter. The power of the Thebans continued to grow, leading to their great victory over the Spartans at Leuctra in Boeotia.

Meanwhile, several cities in Arcadia (the region in the middle of the Peloponnesus) had joined into an Arcadian Federation to oppose the power of Sparta. The Spartans reacted by marching into Arcadia. The Arcadians called on Athens for help, but the Athenians were at this point all for peace, and they rejected the appeal. After so many years of struggle they had apparently lost some of their enthusiasm for war, and they were now less concerned about a clearly declining Sparta than about keeping a balance among the Greek powers. The Arcadians did, however, obtain the aid of the Thebans, who then marched into the Peloponnesus. Together with their northern Greek and Peloponnesian allies, the Thebans not only invaded Spartan territory but ravaged the Laconian interior—for the first time in the war and in living memory—all the way to the outskirts of the city of Sparta itself.<sup>17</sup>

The reaction of Athens to this unexpected turn of events is interesting, not to say shocking. With Sparta now visibly in decline, the Athenians put

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<sup>15</sup> Xenophon, 5.2.6-7.

<sup>16</sup> Xenophon, 5.4.46.

<sup>17</sup> Laconia, much like Attica in relation to Athens, was the region-state surrounding Sparta.

*machtropolitik* considerations ahead of democratic principles and decided to side with Sparta against ascendant Thebes.<sup>18</sup> In any event, for the next several years the Thebans regularly invaded the Peloponnesus and, with their allies, operated against the Spartans and their confederates.

As the internecine fighting continued inconclusively, some states, or at least some parties in some states, began to weary of the warfare. Not all were for peace, however. Some Arcadians were concerned that with a cessation of hostilities their League would go over to the side of Sparta; they therefore persuaded the Thebans to march in once again. There followed the great second battle of Mantinea, which the Thebans won but at the cost of the life of their illustrious commander, Epaminondas. As Xenophon concludes at the end of his *Hellenica*, nothing had been finally resolved.

With the battle of Mantinea in 362 the detailed history of the Greek wars written by Thucydides and Xenophon ends.<sup>19</sup> Whichever source we examine, what the ancient historians make abundantly clear—something which, however, most modern historians somewhat strangely fail to recognize—is that the interstate and intrastate conflicts that raged in Greece throughout the classical period essentially constituted one great century-long struggle between democracy and oligarchy.

Moreover it was a titanic struggle. During the Peloponnesian War alone, including deaths from the plague, which itself was a direct consequence of wartime conditions, the Athenians are thought to have suffered a 50% decline in population. Of 40,000 citizens 18,000 died in battle.<sup>20</sup> It need hardly be pointed out that losses of this magnitude, proportionately, are vastly greater than those suffered in any conflict in American history.

Yet despite Athens' defeat in the first half of the war (to 405), she recovered and her democracy survived. But no sooner had the Greeks stopped fighting among themselves in the middle of the fourth century than they were confronted by the greater power of Macedonia.



The empire of the Athenians looms large in the history of classical Greece. How and why did it develop? Was it a tyranny or was it an attempt at nation-building? Russell Meiggs' *The Athenian Empire* is a good general history of the topic. The following is a synopsis of his account and a discussion of its main points.

In 499 Athens supported the Ionian Greeks in their revolt against Persia, their imperial suzerain, whose rule they found to be alien and oppressive. Athens' involvement was really only token. She soon withdrew and left the Ionians to fight Persia by themselves; they promptly lost. The failure of the revolt clearly demonstrated the necessity of a greater, more effective Greek alliance.<sup>21</sup>

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<sup>18</sup> Xenophon, 6.5.39.

<sup>19</sup> Diodorus continues the narrative but in much more compressed and haphazard fashion.

<sup>20</sup> Barry S. Strauss, *Athens After the Peloponnesian War: Class, Faction and Policy, 403-386 B.C.* (Ithaca: Cornell University Press, 1897), 70, 73.

<sup>21</sup> Russell Meiggs, *The Athenian Empire* (Oxford: Oxford University Press, 1972), 29.

It was Athens' intervention in Ionia that initially provoked the famous Persian attacks on Greece itself. After repelling these invasions, the mainland Greeks turned east to help free the island states that had been overrun by Persia in the course of the latter's encroachment, and so the Ionians were brought into the Greek military alliance. By this time Athens had advanced tremendously in military strength and international prestige from the period before the Persian Wars, and her fleet had grown to be by far the largest among the allies. Sparta, on the other hand, suffered a loss of prestige when the Spartan supreme commander of the Greek forces, Pausanias, was recalled due to his appalling behavior. In any event, the Spartans were neither enthusiastic about leading the alliance nor a natural sea power. The dynamic, seafaring Athenians therefore took over the naval leadership in the Aegean.

Soon thereafter the allies founded the mainly Ionian Delian League, freely according Athens—which supplied the commanders in chief and the treasurers—a position of precedence. Technically each state was autonomous and had an equal vote in the League council at Delos, but there is no question that Athens had the preponderant weight and authority.<sup>22</sup> (This situation corresponded to that of the Peloponnesian League, which was dominated by Sparta.) One of the principal functions of the Delian League was the accumulation of a war fund. The allies paid tribute into a treasury controlled by Athens. At first the assessments involved ships and men, but in time these material resources were largely converted to money. In any case some of the allies started to resent having to make contributions. But the Athenians, according to Thucydides, "insisted on discipline and were hard masters."<sup>23</sup> Revolts ensued, the first occurring at Naxos.

We should resist, however, the picture sometimes presented of a tyrannical Athens just sitting there collecting everyone's money. The Athenians with their allies for quite some time continued major operations against Persia all over the western boundaries of her empire, including a huge campaign in Egypt. Furthermore, it is not always clear exactly why the revolts occurred. Meiggs raises the possibility that in Naxos and some other places treacherous and intransigent oligarchic ruling parties still looked to Persia.<sup>24</sup>

In the case of Thasos, Meiggs sees a more clear-cut instance of Athenian aggression. The Thasians felt compelled to resist unwarranted Athenian encroachment into their territory, a resource-rich area of the Strymon River on the northern coast of the Aegean, and the ensuing confrontation resulted in a siege by Athens and the smaller city's eventual surrender to her. Thasos exemplifies a more general trend: as Athenian power and control grew inexorably, the smaller members of the League lost whatever capacity for resistance they had ever possessed.

The Peace of Callias in 450 ended hostilities with Persia and thereby also the original purpose of the Delian League.<sup>25</sup> But, says Meiggs, "Athens had no

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<sup>22</sup> Meiggs, 44.

<sup>23</sup> Meiggs, 70.

<sup>24</sup> Meiggs, 71.

<sup>25</sup> There is some historiographic controversy regarding the reality of this treaty. Loren Samons (*What's Wrong with Democracy?*, 243-4) concludes that there was indeed an informal arrangement but not a formal treaty.

intention of relaxing her hold on the organization she had built up. . . . These were the vital years of transition from League to Empire. Even the language changes; the 'alliance' becomes 'the cities which Athens controls.'<sup>26</sup> Clearly Athens saw the League as something more than just an instrument of wartime anti-Persian activity. It was a useful interstate entity in itself. Pericles, for one, called on the Greek states to attend a conference to deal with common problems. Certainly a panhellenic body of some sort to replace the Delian League would have been generally advantageous.<sup>27</sup>

In the end the Athenians gave up the pretence of a free alliance. They decided that in order for Athens to remain the great state that she had become in the course of the Persian Wars she would have to command the resources of the League unilaterally. In other words she would have to rule an empire. The Athenian Assembly thus took it upon itself to use League funds for purely Athenian purposes; to impose Athenian coins, weights, and measures on the allies; and to make the Great Panathenaea an empire festival. "The language of [Athens'] imperial decrees is [now] sharp and uncompromising, and there is little evidence of the velvet glove."<sup>28</sup>

By using her fleet as an interstate police force, by installing garrisons and establishing proxenoi (privileged local agents) in the subject cities, by sending colonists and various imperial officials out to these cities and at the same time forcing them to bring their legal business to Athenian courts, and by taxing them with assessments, Athens furthered her interests in the empire and kept it under her control. On the positive side for the allies: the general increase in trade benefited their economies; they shared to some degree, at least vicariously, in the development of Athens as the cultural center of the Greek world; and they obviously benefited from the military protection she provided.

In fairness to the Athenians, the behavior of the Spartans did not compare well to their own. In prosecuting the Peloponnesian War the Spartans claimed to be involved in liberating the Greeks, but this pose was dubious at best. The self-proclaimed champions of freedom maintained their leadership of the Peloponnesian League by supporting oligarchies everywhere, and they themselves became more and more dependent on Persian subsidies as the war went on. Meiggs notes that the common people in most if not all of the Greek cities favored Athens.<sup>29</sup> From an allied citizen's perspective, liberation from Athens might well mean submission to a Spartan-backed oligarchy. This was in fact the fate of most of the imperial cities that broke away from Athens late in the war.<sup>30</sup>

In his concluding chapters Meiggs looks at several divergent contemporary judgments of the Athenian Empire, an entity that was controversial from the beginning. Hermocrates of Syracuse makes no bones about it. The Athenians, he says, did not come to Sicily to help their Ionian allies as they claimed; they came to conquer. "They were not fighting for the Greeks to be free. . . . The Athenians were fighting that the Greeks should be their subjects rather than the

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<sup>26</sup> Meiggs, 152.

<sup>27</sup> Meiggs, 153.

<sup>28</sup> Meiggs, 173.

<sup>29</sup> Meiggs, 334.

<sup>30</sup> Meiggs, 367.

Mede's [Persia's]."<sup>31</sup> Thucydides has the Athenians repeatedly justifying their empire not on any lofty moral grounds but on the basis of sheer expediency and naked self-interest—in a word, on the natural logic of the situation. At Melos, which during the Peloponnesian War rebuffed Athens' demand to enter its alliance, Thucydides has them saying:

We are not going to use high-sounding phrases saying that we deserve our empire because we overthrew the Mede or that we are coming against you because we are victims of injustice. . . . [M]en demonstrably carry their rule as far as their power extends by a necessary law of nature. We did not make this law, nor are we the first to use it. . . . [Therefore you should] not think it humiliating to submit to the greatest city in Greece when it makes only moderate demands[:] that you should be our allies, paying tribute but keeping your land."<sup>32</sup>

On the other hand, Lysias, a defender of Athens, extolled the empire in a funeral oration in 390 precisely for bringing freedom to all of Greece. It should be borne in mind that a Greek funeral oration would naturally be more of a panegyric than a cold analysis of a state's behavior. Nonetheless, the words Lysias uses in honoring the fallen Athenians would undoubtedly have rung true to most of their comrades:

They faced the hardest toils, the most conspicuous struggles, and the most glorious dangers to make Greece free and to display the greatness of their own city. For seventy years they ruled the sea; they kept their allies free from civil strife; they did not believe that the many should be slaves to the few but they insisted on equal standards for all. They did not make their allies weak but built up their strength. The power that they displayed [kept the Great King of Persia in his place]. No triremes sailed in those days from Asia; no tyrant rose among the Greeks; no Greek city was enslaved by the barbarians. . . . For these reasons they and they alone can become the champions of Greece and lead the cities."<sup>33</sup>

The Athenians believed themselves to be the champions of democracy, the imposition of which they saw as a great benefit to all who experienced it. "Our fathers," Isocrates asserted, "persuaded the allies to adopt the constitution which they themselves [enjoyed]; and this is a sign of goodwill and friendship."<sup>34</sup> He affirms the Athenians' democratic agenda in the war: "We helped the common people and were declared enemies of narrow oligarchies, for we thought it monstrous that the many should be subject to the few, and that those who had less property but in all other respects were in no sense inferior should be driven out of office, and that, while some arbitrarily ruled the country they all shared, others should have to leave it."<sup>35</sup> Sparta's conduct after her victory, including

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<sup>31</sup> Meiggs, 379.

<sup>32</sup> Meiggs, 383; Thucydides 5.89, 5.105, 5.111.

<sup>33</sup> Meiggs, 397.

<sup>34</sup> Meiggs, 398.

<sup>35</sup> Meiggs, 399.



setting up detested oligarchies and exacting tribute as harshly as had Athens, in fact vindicated the Athenians. The Spartans quickly lost support in Greece in the fourth century, and their tyrannical behavior led to new Athenian alliances against them.



Meiggs believes that the Delian League started out as a voluntary confederation and only later turned into an empire. M. I. Finley disputes this characterization. From very early on Athens besieged resisting cities and compelled others to join the league. To Finley there was no point at which the league *became* an empire—it always was one. Throughout the period under review Athens acted in her own selfish interests, and her treatment of the subject states in her power was always harsh.<sup>36</sup> There was never a transformation from equal partnership to hegemon and satellites: the latter was always the case; the former never existed.

One of the major reasons for the Athenians' acquiescence in the policy of empire was that as a group they profited immensely from it through the acquisition of land. At least 10,000 Athenians received either an allotment of confiscated land or at least rent from land worked by locals. Such expropriations were "the most naked kind of imperial exploitation."<sup>37</sup> Most of the beneficiaries were members of the lower classes, sent out as colonists; but some rich Athenians also acquired landed estates in the subject territories. Many more Athenians benefited economically from the massive navy required to maintain the empire, in the form of pay for rowing the ships and employment in the dockyards. The navy in turn enabled Athens safely to import its vital corn supply from overseas.

Thus the empire was accepted implicitly by the Athenians. It was extremely valuable from the start and it remained so. Was it indefensible, then, as Finley intimates? Not entirely. But before attempting a defense of it it is useful to look at the forces Athens was up against in its long struggle for survival.



To understand the ultimate military failure of Athens (versus internal collapse, which never occurred) it is necessary to examine the successful development of the quasi-Greek country of Macedonia.<sup>38</sup> Throughout most of classical Greek history the city-states' northern neighbor was an unimportant region peripheral to Greece itself; at times it was hardly an integrated state at all. In the middle of the fourth century, however, in the reign of Philip, Macedonia experienced an explosion of energy. In just three decades it became the

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<sup>36</sup> M. I. Finley, "The Athenian Empire: A Balance Sheet," in Loren Samons, ed., *Athenian Democracy and Imperialism*, 151.

<sup>37</sup> Finley, "The Athenian Empire," 153.

<sup>38</sup> This synopsis is derived largely from Ellis and Cawkwell.

predominant Hellenic power. Its rise was due partly to its own internal dynamic and partly to the crippling warfare and disunion among the Greek states.

Unlike the constitutional poleis of Greece, Macedonia was a simple monarchy, a feudal society with knights, peasants, and serfs. Although the king's rule was not quite absolute, the monarch was pretty much the state. It is revealing that on the official list of the members of the Amphiktyonic Council (the board of a far-flung coalition of Hellenic states) all the states save one were designated by their collective names (e.g. the Thessalians, the Delphians), as one would expect. The Macedonian state alone was uniquely referred to by the name of its ruler: "Those from Philip."<sup>39</sup>

Macedonia was a largely self-sufficient country. It had a plentiful and secure food supply, substantial reserves of precious metals, and the best ship timber in the Greek peninsula. Furthermore, it had a large population by Greek standards. With its consequent large revenues, Macedonia was able to build up its military, particularly its cavalry, and Philip's state soon overtook the rest of the Greek world in martial innovation. By the time of the showdown between Philip and the anti-Macedonian coalition at Chaeronea, the Macedonian army was far superior to any possessed by the Greeks.

The impression one gets from reading about Philip's ceaseless campaigning is that he was everywhere. He moved north against the Paeonians, south against the Thessalians, west against the Illyrians, and east against the Chalcidians and the Thracians—back and forth at lightning speed. Some places, such as Illyria, he sought to establish as buffer states on his borders; other regions, notably Thrace and Thessaly, he meant to conquer and incorporate into a growing Macedonian empire. The Macedonians, concludes J. R. Ellis, had a heavy stake in military expansion, for they needed military goals to absorb the inordinate energies of their kingdom.<sup>40</sup>

Thessaly and Thrace were key to Philip's success. These large states were extraordinarily rich in resources and manpower, but they were badly divided internally among competing cities and factions.<sup>41</sup> Philip effectively absorbed them into his realm and imposed unity upon them. He became Archon of Thessaly and he appointed a "General of Thrace."<sup>42</sup> Thus Philip went about swallowing his neighbors and constructing a national state far more powerful than any of the individual Greek city-states. Yet in the face of this ominous expansion the Greeks seemed impotent, even unconcerned. Macedonia's primary rival during its buildup was Athens, which controlled the seas with its navy. (Sparta had by then practically dropped off the map, while Thebes was unable to sustain its recent hegemony.) Athens had the capability of moving against Philip, for instance in Chalcidice and in Thrace. But the Athenians, chastened and weakened by endless war and undermined by rebellion on the part of their imperial subjects, displayed—in contrast to times past—conspicuous indecisiveness, lethargy, and ineptitude. Raphael Sealey describes Athens at

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<sup>39</sup> Ellis, 132.

<sup>40</sup> Ellis, 92.

<sup>41</sup> Cawkwell, 43.

<sup>42</sup> Ellis, 170.

this time as a "sated power."<sup>43</sup> Philip was characteristically quick to take advantage of the opportunities presented to him by circumstances.

It would be an underestimation of Philip, however, to think that he was only a great warrior. He was also a consummate diplomat and strategist, as proven by his deft dealings with the various Greek states. At times he presented himself as the protector of one against the other. In the strife-torn Peloponnesus the smaller states sought him out as their champion against their powerful and rapacious neighbors—and he gladly complied.<sup>44</sup> In the "Sacred War" (c. 350) he posed as the pious defender of the god Apollo.

What did Philip ultimately want with Athens? Clearly it was not simple territorial conquest. After the city-states' final defeat at Chaeronea he was "master of the Greek mainland," and he could have imposed on Athens and her sister states any kind of settlement he wished.<sup>45</sup> But while he understood that his dynamic country and empire were built on military expansion, he fought the Greeks in order to subdue and unify them, not to conquer them outright and take over their lands. What Philip—who considered himself Greek—wanted from his new satellites was that they cooperate with him in the forging of a Greek empire extending to Asia. He envisioned himself as the leader of the Greeks in a renewed panhellenic crusade against the barbarian Persians. The Athenian orator Isocrates had written to Philip suggesting just this role for him. And for such an overseas venture he especially needed Athens' navy. Thus, in the settlement following Chaeronea, a Hellenic League was duly created; it then approved Philip's Asian crusade.



Democracy ceased to exist in the ancient world soon after the downfall of Athens. Where did Athens go wrong? What might it have taken for democracy to survive and flourish in Greece? These are of course speculative questions. But they are questions that it is necessary to ask if we are to learn all that we can from the experience of Athens. And they are questions that can be answered tentatively by analyzing the actions of the Athenians in hindsight. It is probably safe to say that the major mistake they made was their failure to extend citizenship to the populations of their Ionian allies and to integrate these states into a single unified Athenian nation, as the Romans were later to do in relation to their subject states. The Athenians suffered incalculably from the disloyalty or lukewarm support of their "allies," most notably in Chalcidice and Sicily in the fifth century and in the Aegean in the fourth. But it should not have been surprising to them that the subject states were not overly enthusiastic about Athenian domination. Undoubtedly their masses were better off under servile democracies than they would have been under autonomous oligarchies, but what about their natural leaders, their ambitious men? To these men citizenship in a pan-Athenian polity, and with it the opportunity of attaining positions of

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<sup>43</sup> Raphael Sealey, *Demosthenes and His Time: A Study in Defeat* (Oxford: Oxford University Press, 1993), 125.

<sup>44</sup> Ellis, 126.

<sup>45</sup> Ellis, 198.

leadership and eminence in such an entity, would have been very highly coveted. But the Athenians were always stingy in offering citizenship to foreigners: they seem to have considered themselves something of a closed caste, albeit an internally democratic one. Subject peoples remained distinctly second-class members of the Athenian-led "alliances." Hence their endemic revolts and conspicuous lack of allegiance.

Yet the Athenians' exceptional enfranchisement of the Samians at the end of the Peloponnesian War demonstrates at least some awareness on their part of the relationship between citizenship and loyalty. That democratic Greeks in general recognized the advantages of union is evidenced by the rise of a number of democratic or quasi-democratic leagues and federations in the fifth and fourth centuries as well as in Hellenistic times, although none of these multi-state conglomerations attained the requisite size and gravity to consolidate the Greek world.<sup>46</sup> With the Delian League and the empire the Athenians were perhaps striving, albeit unconsciously and ineptly, for this greater state. And Philip, of course, showed how a formidable nation could be constructed through the integration of conquered territories.

It was in fact vital for Athens to achieve a larger union and thereby increase her power vis-a-vis her major rivals. Democratic Athens was surrounded by powerful monarchical and oligarchic states: first Persia, then Sparta, then Sparta and Persia working together, finally Macedonia. Persia possessed vast wealth. During the course of its expansion Macedonia acquired the considerable material resources and manpower of its erstwhile neighbors. Sparta and Macedonia were military societies with extremely powerful armies. To say the least, then, Athens' international environment was a hostile one. No state, including a democratic one, lives in a vacuum. As Alcibiades and other cold-blooded Athenian expansionists understood, one must either grow and attain hegemony or be conquered oneself. Thus the cultivation of a much greater polity than one consisting of a single city-state was a natural response by Athens to her international circumstances.

Athens was indeed a tyrant state; not, however, because she did not leave her allies pristinely free and independent, but because she did not *incorporate* them into herself as equals in collective self-rule. Athens needed someone to do for her empire what Cleisthenes had done for Attica: integrate it into a greater, unified polity—one with overwhelming material and military strength.

In the fourth century Athens lost much of her ideological drive and began acting in accordance with expedient *machtpolitik* principles, that is, concentrating on maintaining a balance of power amongst her adversaries regardless of their constitutional forms. This was most blatant in her backing of oligarchic Sparta against democratic Thebes in the internecine wars of the Peloponnesus after the so-called Peloponnesian War. The Athenians, it seems, never contemplated any sort of union with Thebes. Perhaps the ancient rivalry and enmity ran too deep. The notorious atomistic nationalism of the major Greek powers seems to have been inescapable. Aristotle rightly asserted that if

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<sup>46</sup> The Boeotian League, the Chalcidian Federation, the Arcadian League, and the Aetolian League, among others.

only the Hellenes could unite into one state they would be able to rule the world.<sup>47</sup> In this they failed.

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<sup>47</sup> Aristotle, 1327b32.

## Appendix D: Magna Carta<sup>1</sup>

1. The English church shall be free, with all its rights and liberties secure.
2. An earl's or baron's adult heir must pay the Crown £100 relief to receive his inheritance.
3. No relief is owed by a minor.
- 4, 5. The guardian of a minor heir shall take from the land only reasonable and customary revenues, dues, and services, and he shall take good care of all the heir's property.
6. Heirs shall be married without disparagement.
7. A widow shall have her marriage portion and inheritance forthwith and without difficulty after the death of her husband.
8. No widow shall be forced to marry.
- 9, 10, 11. Regulations concerning payment and collection of debts.
12. No scutage or aid shall be imposed unless by common counsel, except in the cases of the ransoming of the king, the knighting of the eldest prince, and the marriage of the eldest princess.
13. London and all cities and towns shall have their ancient liberties and free customs.
14. Provision for the summoning of common counsel for the assessment of an aid.
15. No lord shall take an aid from his vassals, except for the ransoming of his person, the knighting of his eldest son, and the marriage of his eldest daughter.
16. No one shall be compelled to do greater service for a knight's fee or any other holding than is due from it.
17. Common pleas shall not follow the king's court, but shall be held in some fixed place.
- 18, 19. Certain legal cases will be held only at assizes in the counties to which they relate.
20. The severity of amercements shall be proportionate to the severity of the corresponding crimes, but in no case shall they be ruinous.
21. Earls and barons shall not be amerced except by their peers.
22. Clerics shall be amerced according to their lay holdings, not their ecclesiastical benefices.
23. Villages and individuals shall not be compelled to make bridges at river banks unless traditionally required to do so.
24. No sheriff or other law officer shall hold pleas of the Crown.
25. All counties and subordinate territorial units apart from demesne manors shall remain at the same old rents.
26. Provisions for the Crown's collection of debt out of deceased vassals' chattels.
27. Provisions for the distribution of a deceased man's property.
28. The Crown must pay cash for any goods it takes from subjects.

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<sup>1</sup> This is a simplified adaptation from Katherine Fischer Drew, *Magna Carta* (Westport, Conn.: Greenwood Press, 2004), 128. The original is even more wooden and abstruse.

29. No constable shall compel any knight to give money instead of doing castle-guard duty.
- 30, 31. The Crown shall not take a man's horses or carts for transportation, or timber for castles, without his agreement.
32. The Crown shall not hold the lands of those convicted of a felony for more than a year.
33. Fish-weirs shall be cleared from all rivers.
34. Provision regarding the writ of Praecipe.
35. Provision for uniform weights and measures.
36. The writ of inquisition of life or limbs shall be granted free of charge.
37. Provision concerning the holdings of fee-farm, socage, burgage, and knight service.
38. No bailiff shall put anyone to trial upon his word alone, without reliable witnesses.
39. No free man shall be arrested, imprisoned, disseised, outlawed, or exiled by the Crown except by the lawful judgment of his peers or by the law of the land.
40. The Crown shall not sell, refuse, or delay right or justice to anyone.
41. Merchants shall be free to travel inside of, and in and out of, England free from tolls.
42. All subjects shall be free to travel in and out of England.
43. Provision concerning relief upon the death of a holder of a barony.
44. Men who live outside the forest need not come before the justices of the forest.
45. Only law officers who know the law and are faithful to it shall be employed by the Crown.
46. All barons holding abbeys shall have custody of them during vacancies.
47. All forests that have been made forest during this reign shall immediately be disafforested.
48. All evil customs connected with forests shall be abolished.
49. The Crown will immediately return all hostages and charters given to it by Englishmen as security.
50. The Crown will remove completely from office the relations of Gerard de Athee.
51. As soon as peace is restored the Crown will remove from the kingdom all foreign knights.
52. Anyone illegally disseised of his lands recently by the Crown will have them restored.
53. Addendum to article 52.
54. No one shall be arrested or imprisoned upon the appeal of a woman for the death of anyone except her husband.
55. All unjust fines and amercements imposed by the Crown shall be remitted.
56. Welshmen illegally disseised shall have their lands restored to them.
57. Addendum to article 56.
58. The Crown will give back at once the son of Llywelyn and all Welsh hostages and charters handed over to it as security for peace.
59. Alexander, king of Scots, shall be treated on a par with English barons.

60. All customs and liberties enjoyed by barons in relation to the Crown shall likewise be enjoyed by the barons' vassals in relation to them.
61. The barons shall choose twenty-five barons of the kingdom to enforce the peace and liberties that the Crown has granted and confirmed to them by this charter. And if the Crown does not correct any perceived transgressions, the barons shall compel the Crown by any means short of physical seizure of the royal family until satisfaction is obtained.
62. The Crown pardons everyone involved in the recent conflict.
63. The English Church shall be free, and all men shall hold all their liberties and rights securely.



## Appendix E: The *Song of Lewes*

The *Song of Lewes* was at once an actual song in its day, albeit an extremely long one, a complex poem, a paean to the baronial victory at Lewes in 1264, and a sophisticated work of political theory.<sup>1</sup> It was written not in French or in English, as were most popular songs on the subject of the "Barons' War," but in Latin, most probably by a Franciscan friar who had been educated under the influence of Bishop Grosseteste. It was therefore intended for a learned audience.<sup>2</sup> The views expressed, says J. R. Maddicott, show "the intellectual and moral weight of the arguments for reform" and are indicative of de Montfort's ties to the academic world.<sup>3</sup>

I have reproduced below the most crucial passages, preceded by italicized synopses. The argument is well encapsulated by Maddicott:

[T]he *Song of Lewes* . . . sets down what may be regarded as the standard assumptions of the schools on these problems: the duty of the king to rule according to law, with clemency and in the common interest, to avoid oppressing his subjects, to seek good counsel, and to remember his position under God, ruling a people who were also God's. . . . In the conclusions which followed from them, notably concerning the magnates' right to correct the king, the applications of political thought were spelt out more plainly than in any other source for the period.<sup>4</sup>

### *Song of Lewes*

*The royalists argue that the king has the right to govern as he pleases and to have any officials, councillors, or ministers he wants—this is what makes him king. None of this is any of the magnates' business.*

[W]e touch the root of the disturbance of the kingdom . . . and of the dissension of the parties who fought the said battle [when we recognize that they have conflicting aims]. The King with his party wished to be . . . free, and urged that he ought to be so, and was of necessity, [for] deprived of a king's right [to do whatever he might wish] he would cease to be king. [T]he magnates of the realm [therefore] had not to heed, whom he set over his own counties, or on whom he conferred the wardenship of castles, or whom he would have to show justice to his people; and he would have as chancellor and treasurer of his realm anyone soever at his own will, and counsellors of whatever nation, and various ministers at his own discretion, without the barons of England interfering in the King's acts, as "the command of the prince has the force of law." . . . [Every earl is his own master, controlling as he wishes, and entrusting to whom he wishes, his castles, lands, and revenues. This is universally allowed. So why] is the prince made of worse condition, if the affairs of a baron, a knight, and a freeman are so managed? Wherefore they intrigue for the King to be made a servant,

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<sup>1</sup> Beamish, 158.

<sup>2</sup> C. L. Kingsford, *The Song of Lewes* (Oxford: Clarendon Press, 1890), xviii.

<sup>3</sup> Maddicott, 280.

<sup>4</sup> Maddicott, 355-6.

who wish to lessen his power, and to take away his dignity of prince; they wish to thrust down into wardship and subjection the royal power . . . and to disinherit the King, that he may not have power to rule so fully as hitherto have done the kings who preceded him, who were in no wise subject to their own people, but managed their own affairs at their will, and conferred their own at their own pleasure.<sup>5</sup>

*The opposition asserts that if the kingdom is harmed, either by the evil machinations of royal councillors or by the king himself, the magnates cannot allow this.*

But now let my pen be turned to the opposite side. . . . What, if such wretches and such liars [counsellors who flatter the king, who by deceitful words mislead the prince, and with double tongues lead him into error] should cleave to the side of the prince . . . and should fashion some hard arguments, which would gradually confound the community, crush and impoverish the commonalty of the people, and subvert and infatuate the kingdom, so that no one might be able to obtain justice unless he were willing to [bribe] such men? . . . Who would endure so great a wrong to be imagined? And if such men by their aims were to alter the realm, so as to supplant right by unright; and after trampling on the natives were to call in strangers, and were to subdue the kingdom to foreigners; were not to regard the magnates and nobles of the land, and . . . were to pervert order and turn it upside down . . . would not those who should do thus, lay waste the kingdom? Although they might not be fighting with weapons of war from abroad, yet would they be contending with the devil's weapons, and pitifully violating the state of the realm[;] although their manner was different they would do no less damage. Whether the king consenting through misguidance, or not perceiving such deceit, were to approve such measures destructive to the kingdom; or whether the king out of malice were to do harm, by preferring his own power to the laws, or by abusing his strength on account of his opportunity; or if thus or otherwise the kingdom be wasted, or the kingdom be made utterly destitute, then ought the magnates of the kingdom to take care, that the land be purged of all errors. . . . Thus that none of the aforesaid things may come about, which may impede the forming of peace or good customs; but that the zeal of the skilled may come in, which may be more expedient to the interest of the many; why should not improvement be admitted wherein no corruption is mingled? . . . For the oppression of the people pleases not God, nay rather does . . . compassion [toward the people please God], whereby the people may have leisure for God.<sup>6</sup>

*The king wishes to be free from any constraint imposed by anyone; he feels he should not have an equal in the kingdom. But in fact he is only an imperfect human being, ruling God's people under God. Still, if his councillors are inadequate, why should he not choose new ones himself?*

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<sup>5</sup> Kingsford, 43-4.

<sup>6</sup> Kingsford, 44-6.

[I]t remains to reply to the reasonings of the king. The king wishes, by the removal of his guardians, to be free, and wishes not to be subject to his inferiors, but to be over them, to command his subjects and not to be commanded; nor does he wish to be humbled to [his officers], for [officers] are not set over the king, nay rather [they] are men . . . who support the right of the [king]; otherwise the king would not be [supreme] but they, whom the king was under, would reign equally [with him]. . . . [But] One alone is called, and is King in truth, through Whom the world is ruled by pure majesty, Who needs not assistance whereby He may be able to reign, nay nor counsel, Who cannot err. Therefore[,] all-powerful and knowing[,] He excels in infinite glory all [kings], to whom He has granted . . . rule [over] His people under Him. . . . [Kings are men] who are able to fail and able to err, and who cannot stand by their own strength and overcome their enemies by their own valour, nor govern kingdoms by their own understanding, but go badly astray in the pathlessness of error; they need assistance that supports them, yea and counsel that keeps them right. The king says: "I agree to thy reasoning, but the election of these men falls under my choice; I will associate with me whom I will [to help me] govern all things; and if my own men be insufficient, have not understanding, or be not powerful, or if they be evil-wishers, and be not faithful, but may perchance be treacherous, I wish thee to make clear, why I ought to be constrained [in my choice of different] persons . . . from whom I [can] get better assistance." [This last issue of the king's choice is answered further below.]<sup>7</sup>

*To guard and constrain the king is not to reduce his power, but to help him to rule well and thereby to protect his true liberty, which precludes doing wrong.*

The reasoning on which matter is quickly declared, if it be considered what the constraining of the king is. All constraint does not deprive of liberty, nor does all restriction take away power. . . . To what purpose does free law wish kings to be bound? That they may not be able to [do wrong]. And this constraining is not of slavery, but is the enlarging of kingly virtue. So is the king's child preserved that he may not be hurt, yet he becomes not a slave when he is so constrained. . . . For [only] the Author of all is not able to err. . . . Thus he who is able to fall, if he be guarded that he fall not, is aided by such guardianship to live freely; neither is [this] sustenance of slavery, but is the protectress of virtue. . . . They who guard the king, that he sin not when tempted, are themselves the servants of the king, to whom let him be truly grateful, because they free him from being made a slave[;] they do not surpass him, by whom he is led. But whoever is truly king is truly free, if he rule himself and his kingdom rightly; let him know that all things are lawful for him which are fitted for ruling the kingdom, but not for destroying it. It is one thing to rule, which is the duty of a king, another to destroy by resisting the law.<sup>8</sup>

*The king is only a servant of God, in a temporary and provisional office. He is not superior to other men; they are his equals and have no duty to obey him if he*

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<sup>7</sup> Kingsford, 47.

<sup>8</sup> Kingsford, 47-8.

*rules unjustly. The king must earn the respect of his subjects; they will then willingly help him, not otherwise.*

Let every king understand that he is the servant of God; let him love that only which is pleasing to Him; and let him seek His glory in ruling, not his own pride by despising his equals. Let the king, who wishes the kingdom which is put under him to obey him, render his duty to God, otherwise let him truly know that obedience is not due to him, who denies the service by which it is held of God. . . . [H]e who is for a short time set over the people, is soon closed in marble and laid beneath the earth. Let him make himself among them as one of them. . . . It is the part of a prince not to crush, but to protect; it is the part of a prince not to oppress, but to earn by numerous benefits the favour of his own. . . . If the prince has loved, he ought to be loved in return; if he has reigned rightly, he ought to be honoured; if the prince has erred, he ought to be called back, yea to be denied by those whom he has unjustly burdened, unless he is willing to be corrected; if he is willing to be improved, he ought at the same time to be raised up and assisted by them. Let a prince hold this rule of reigning, so that he may have no need of not calling his own subjects; ignorant princes, who confound those under them, will perceive that the unconquered refuse to be thus conquered.<sup>9</sup>

*If the king is an inadequate ruler he is ipso facto also unqualified to choose his own advisors. This must be done by the community of the realm, which knows what is best for the country and who the best persons are to aid and counsel the king in ruling it.*

[I]f the king be less wise than he ought, what service is he for ruling the kingdom? Shall he of his own proper understanding seek by whom he may be supported, by whom his own lack may be supplied? If he alone choose, he will be easily deceived, who has no knowledge who may be useful. Therefore let the community of the realm take counsel, and let that be decreed which is the opinion of the commonalty, to whom their own laws are most known; nor are all the men of the province such fools as not to know better than others their own realm's customs, which those who are before bequeath to those who come after. Those, who are ruled by the laws, have more knowledge of them; those, in whose use they are, become more experienced. . . . From this it can be gathered that the kind of men, who ought rightly to be chosen for the service of the kingdom, touches the community; namely those who have the will and knowledge and power to be of profit, let such men be made counsellors and coadjutors of the king; men to whom the various customs of their country are known; who may feel that they themselves are injured if the kingdom be injured, and guard the kingdom, lest, if harm be done to the whole, the parts may grieve suffering along with it; let them rejoice with it when it rejoices, if they be lovers of it.<sup>10</sup>

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<sup>9</sup> Kingsford, 48-9.

<sup>10</sup> Kingsford, 49-50.

If therefore the king has not the knowledge to choose by himself men who know how to counsel him, it is hence clear what ought then to be done; for it concerns the community that wretched men be not made guides of the royal dignity, but the best and chosen men, and the most approved who can be found. For since the governance of the realm is the safety or ruin of all, it matters much whose is the guardianship of the realm; just as it is on the sea, all things are confounded if fools are in command. . . . Thus let care be given to [the choice of] those who ought to rule the realm.<sup>11</sup>

*The law is the standard of good governance; it regulates the king, not vice versa. The king must follow the law and rule in the common interest, not in his interest alone. Only then is he properly king.*

Nor ought that properly be named liberty which unwisely permits the foolish to have dominion; but let liberty be limited by the bounds of right, and when those limits are despised let it be deemed error. . . . We say also that law rules the dignity of the king; for we believe that law is a light, without which we infer that the guide goes astray. Law, whereby is ruled the world and the kingdoms of the world, is described as fiery, because it contains a mystery of deep meaning; it shines, burns, glows; fire by shining prevents wandering, it avails against cold, purifies, . . . cooks . . . takes away numbness, and does many other good things. Sacred law supplies like gifts to the king. . . . If the king be without this law, he will go astray; if he hold it not, he will err shamefully. Its presence gives right reigning, and its absence the disturbance of the realm. . . . It is commonly said, "As the king wills, the law goes"; truth wills otherwise, for the law stands, the king falls. . . . The people will be confounded, if either the king's eye lacks truth, or if the prince's heart lacks charity, or does not always [moderate] its zeal with [restraint]; these three being in support, let whatever pleases the king be done, but when they are in opposition, the king is resisting the law. . . . And let the king prefer nothing of his own to the common weal, as though the safety of all gave way to him who is but one; for he is not set over them to live for himself, but so that this people which is put under him may be secure. Thou wilt know that the name of king is relative; thou wilt also understand that his name is protective; whence it was not lawful for him to live for himself alone, who ought by living to protect many; he who wishes to live for himself ought not to be in command, but to dwell apart and be as one alone.<sup>12</sup>

*Even when the king knows best, he must still inform his subjects of his plans, upon whom he is dependent for their implementation.*

Whence if the king loves the magnates of the kingdom, although he alone, like a great seer, knows what may be needful for ruling the kingdom, what may become him, what must be done, he will not conceal that, which he has prudently decreed, from those without whom he will be unable to bring to effect

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<sup>11</sup> Kingsford, 50-1.

<sup>12</sup> Kingsford, 51-3.

that which he shall ordain; therefore he will discuss with his own men those things which he will not think to do by himself.<sup>13</sup>

*It is the responsibility of the magnates to see that the kingdom is governed well, and that the king is counselled by his own great subjects rather than by foreigners.*

From all that has been said above, it will be clear that it is the duty of the magnates of the kingdom to see what things are convenient for the governance of the kingdom, and expedient for the preservation of peace; and that the king have natives at his side, whether as councillors or as the greater men of the realm, not strangers nor favourites who supplant others and the good customs.<sup>14</sup>

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<sup>13</sup> Kingsford, 53.

<sup>14</sup> Kingsford, 54.

## Appendix F: William III's Mode of Governance

In explaining the constitutional impact of the Glorious Revolution, few historians have focused much attention on the political personality of William III himself. In his study of this "outsider" king, Tony Claydon argues that, with William, England acquired a monarch radically different from any the country had ever had before, and that the new king's *modus operandi* was of decisive importance in the novel relationship that developed between monarch and Parliament after the Revolution.

From William's perspective the invasion of England in 1688 was not an altruistic mission, one solely or even principally undertaken to save the island kingdom and its people from impending tyranny. Rather it was a calculated—and the culminating—act in the long drama of Dutch-French hostilities that had dominated his and his countrymen's lives for a generation. Louis XIV had for many years been menacing the Netherlands, and the Dutch feared that if they did not take drastic action, they might finally be conquered by France once and for all. The key, they saw, was England. With England as his ally Louis would succeed in his mission of European conquest. But if Protestant England could be turned to a more natural alliance with the Protestant Netherlands, then the Dutch might be able to repulse the French. The Dutch had faith in the English Parliament's foreign policy persuasions; the problem, of course, was the English king. William's invasion, therefore, did not aim at an outright conquest of England—this was unnecessary for his purposes—but only at getting the Crown in line with Parliament's anti-French proclivities. England could then be enlisted in the campaign against France.

As the head of the House of Orange, the historic leader in the Netherlands against foreign aggression, William was consumed by his struggle against expansionist France. Although he was a Stuart by birth (he was the son of Mary, Charles I's daughter), and he would eventually become an English monarch, his ambitions, says Claydon, "would always be continental. . . . [T]he British islands would rarely be at the centre of his thoughts. His destiny and identity as an Orange dictated different and far wider horizons."<sup>1</sup>

Not only did William have a more internationalist perspective than the Stuart kings, but he was also much more attuned to republicanism, since his political education took place in Europe's first major republic. Even if, being a prince, he was initially not much inclined towards obeisance to the political classes, three reversals early in his otherwise stellar political career impressed upon him the necessity of honoring his countrymen's constitutional predilections.

In 1675 the states of the province of Gelderland voted to make William their sovereign duke. This was irregular in the republican Netherlands, and the move was widely disapproved in the rest of the country as a threat to the Dutch constitution. In the face of strong opposition William backed down and declined the hereditary office, contenting himself with the more usual stadtholdership (a stadtholder was a chief magistrate or a governor).<sup>2</sup>

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<sup>1</sup> Claydon, 14.

<sup>2</sup> Claydon, 22-3.

In 1678 William objected to an impending peace with Louis, for he wished to defeat the French king decisively. But the estates general, reflecting a widespread desire for peace, reached a settlement with France despite the protests of "their captain-general, who was left charging the French army without his country's sanction."<sup>3</sup> William again learned the hard way the value of regarding and respecting public opinion.

In 1683 William felt that the nation needed thousands more soldiers if it were to counter the French threat effectively. The city of Amsterdam, however, opposed this proposition and successfully led a campaign against the stadtholder's demand to expand the army. But William persisted, and to make his point he marched into the city with armed supporters. In response to this provocation Amsterdam—the leading city in Holland, the largest source of taxes, and by tradition possessed of a national veto—withdrawed its delegation from the government, effectively stifling any further state business. This countermove compelled the nation to bend to Amsterdam's will, and William lost the political battle. It was, says Claydon,

a final, and at last a conclusive, demonstration that William had to act with compromise and respect for constitutional forms. From the ruins of his position, the stadtholder began again to build up trust with the political classes by tact and negotiation. Never again did he try strong-arm tactics. From this point forth, he never attempted any major political initiative without ensuring he had squared the Dutch political classes, and especially the magistrates of Amsterdam, first. Slowly he won the Dutch back round. He . . . treated representative bodies with deference, and reassured them constantly that he was the servant, not the usurping master, of the state.<sup>4</sup>

The assent and support of William's compatriots for the 1688 invasion of England was the capstone of the prince's apprenticeship in republican leadership. William's political education meant that the style of kingship he brought over to his new realm would prove to be quite unlike that which England had known for over a century under Elizabeth and the Stuarts. The new king's Dutch experience made him less concerned with doggedly maintaining the royal prerogative at all cost and more open to cooperating amicably with Parliament. In any case the latter—finally in harmony with the monarch—shared William's principal policy objective of confronting France. William, it might be said, was more interested in getting a certain job done than playing king. Not since Henry VIII had an English monarch felt that he could work profitably with his subjects' representatives. William now expected the latter to play "a constructive—and extensive—role in government."<sup>5</sup>

It has been noted that, from 1689 onward, Parliament met every year. A major reason for this, we saw, was financial. But in Claydon's view another reason was the king's new attitude toward the legislature. For example William, in a complete reversal of the former royal obduracy, was glad to have Parliament

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<sup>3</sup> Claydon, 24.

<sup>4</sup> Claydon, 25.

<sup>5</sup> Claydon, 74.



examine his books. He reasoned that MPs would be more diligent than anyone else in seeing that the funds they granted would be utilized for their proper purposes—mainly for the war he so much wanted—rather than misused or embezzled. In general William valued Parliament as a crucial source of information, ideas, and advice, and he fully expected it to take part in the formulation of national policy on critical issues, including those surrounding finance and military provision.<sup>6</sup> This novel monarchical disposition encouraged more frequent, enthusiastic, and concerted initiatives on the part of Parliament, since the MPs now felt a sense of ownership over the policies they were called upon to implement.<sup>7</sup>

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<sup>6</sup> Claydon, 76.

<sup>7</sup> Claydon, 150.

## Appendix G: The Literature

There is a small yet varied literature comparing and contrasting in some depth and in some fashion ancient and modern "democracy" (I use the word here loosely). A very brief perusal of some of this literature serves as a useful coda to the present study, shedding further light (in the case of three of the four books discussed) on the vital subject of the meaning of democracy.



From the title of Paul Rahe's 1200-page tome, *Republics Ancient and Modern: Classical Republicanism and the American Revolution* (Chapel Hill: University of North Carolina Press, 1992), one would expect that it would do a reasonably good job of comparing the Athenian democracy and the modern representative system. This is not the case. The book, supposedly about the influence, whether positive or negative, of ancient republics on the American Founders, is written in such an exceedingly loose and rambling manner that it is difficult to evaluate. But it is certainly not a straightforward description or analysis of political systems. It is not coincidental that Rahe uses in the book's title the word "republic" rather than "democracy," for he seems not to be particularly interested in democratic theory or democratic institutions, or even in fundamental constitutional issues as such. Nor does he present a linear historical narrative, much less a clear account of any enduring conflict between ideologically opposed camps through history. Instead he tends to engage in vague, wide-ranging discussions of such nebulous concepts as "virtue," "glory," and "morality," much of the time switching erratically between different epochs and between disparate groups of writers and thinkers.

Among the few conclusions one can safely make about this work is that Rahe assesses Sparta positively, and he correctly argues that this ancient polity was preferred by the American Founders to Athens. At the same time he condemns in hackneyed fashion Athens' illiberality (re. slaves, women, and empire) and feels that its democracy is very much overrated.

In sum, Rahe is broadly quite knowledgeable, and *Republics Ancient and Modern* contains good discussions of some specific topics—for example Spartan political institutions and the John Locke-Earl of Shaftesbury connection—but whatever the author is trying to say overall he does not say in enough of a systematic, transparent, focused, or succinct manner for the reader to get a good handle on it, much less judge it.

Interestingly, although scholars seem to be generally aware of its existence, there seems to be a near total silence in the literature on a book that would appear on the surface to be a seminal work on ancient-modern comparative history. In his brief mention of it in his own study—which, tellingly, fails to say what Rahe's volume is essentially about—P. J. Rhodes calls the book "avowedly unfashionable."<sup>1</sup>

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<sup>1</sup> *Ancient Democracy and Modern Ideology* (London: Duckworth, 2003), 83. Rhodes' book itself, though competent, is more a short overview of the literature and a study in historians' motivations than an in-depth comparative analysis of political systems.



Another of the very few book-length comparative treatments of ancient and modern political systems is *Democracy: History, Theory, Practice*, by Sanford Lakoff (Boulder, CO: Westview Press, 1996). Both Lakoff's lucid writing style and his thoroughly orthodox, smugly Cold-War politics are refreshing: they make it easy for one to engage the author.

Uncontroversially, Lakoff at first says that democracy is "the aspiration to . . . autonomy or self-government."<sup>2</sup> But things are not as simple as this, for there are three kinds of autonomy: communal, plural, and individual. And, according to Lakoff, democracy must encompass all three. Communal autonomy is the kind seen at Athens; it involves the self-determination of the community through majority rule. Plural and individual autonomy, on the other hand, require that sub-groups (such as socioeconomic and ethnic groups) and individuals *within* the community have the same right of self-determination as the community *as a whole*. "Individual autonomy is the . . . right of all mature citizens to regulate their own conduct as they see fit. . . . Plural autonomy is the . . . right of social sub-groups, formed by cultural affinity and voluntary association, to regulate their own affairs and pursue their own ends."<sup>3</sup> Unlike in Athens, these second and third forms of autonomy are equally the goals of modern democracy. In modern societies, says Lakoff, there are two separate if interrelated spheres: civil society (the network of private relationships) and the state. In democracy the former, especially in its economic aspects, is "considered to be exempt from public control"; it is beyond the purview of majority rule or any other governmental authority.<sup>4</sup> In this way modern democracy succeeds in effecting a happy balance between the three forms of autonomy, resulting in the ideal political situation.

Lakoff understands that the original and literal meaning of democracy is rule by the people, i.e. communal autonomy alone. But, he says, the definition of the word has changed, for it now encompasses the self-determination of groups and individuals as well. In other words, democracy is no longer majority rule: the rights and freedoms of minorities and individuals must be inviolate, safe from the majority. Lakoff completely accepts this modern redefinition of democracy, and he endorses representative government, which, by disempowering the otherwise tyrannical demos, enables minorities to thrive without restraint. The people as a whole having *power*, and their using this power to keep elites under control, is no longer the essence of democratic government. Rather, the aim now is merely the opportunity for discussion—"free debate and negotiation among all parties"—whereby "leaders must appeal to followers by invoking common symbols and values," the need for such appeals supposedly serving as effective "constraints" on the leaders.<sup>5</sup> Lakoff notes that freedom of speech "is a sine qua non of democracy," but he neglects

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<sup>2</sup> Lakoff, x.

<sup>3</sup> Lakoff, 30.

<sup>4</sup> Lakoff, 24.

<sup>5</sup> Lakoff, 15, 17.

to mention that while the Athenians *acted* on their own speech in the Assembly in a direct and sovereign manner, we today are reduced to *consuming*, passively and powerlessly, the verbal swill served to us by our governors and the corporate media.<sup>6</sup>

Lakoff acknowledges the difference between the ancient democratic and the modern liberal-representative systems. The former "emphasized" direct participation in government while the latter couples "the enjoyment of personal autonomy . . . with representative rather than direct self-government." But rather than admit any radical opposition between these two modes of governance, he professes to see "the continuity of the underlying ideal of autonomy."<sup>7</sup> He is well aware that the American Founders preferred a "republic" to a "democracy," and that, unlike the latter, the former does not entail demotic rule. Yet he insists nonetheless that both these words mean rule by the people, that the representative government resulting from the Founders' efforts is somehow still "based on . . . essentially democratic principle[s]."<sup>8</sup> Lakoff thus persists in his strange practice of describing two manifestly contrary things and yet concluding that they are basically the same thing, the difference being only semantic.

In England, with the humbling of the monarchy by Parliament and the subsequent extension of the suffrage, there was, according to Lakoff, a "gradual evolution to democracy"—with no oligarchy in between.<sup>9</sup> In America, the 1787 Constitution in turn heralded "the triumph of democracy."<sup>10</sup> Never mind that "The American revolution . . . produced a system of checks and balances and federalism which deliberately weakened government and created the conditions for a self-interested individualism to produce a dynamic capitalism."<sup>11</sup> It's still democracy.

In sum, democracy in the modern sense of the term is not popular government plain and simple. Rather it is "a process by which separate claims for autonomy are accommodated and mediated," and this sort of democracy, we are to believe, is better than the original.<sup>12</sup>



Moses I. Finley's *Democracy Ancient and Modern* (New Brunswick, NJ: Rutgers University Press, 1973) is a short, older work that anticipates the positive picture of Athenian democracy painted by more recent historians such as Josiah Ober. The author, however, does not deal at any great length with the modern side of the dichotomy indicated by the book's title, although he does frequently either mention or implicitly draw out the contrast between ancient and modern polities.

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<sup>6</sup> Lakoff, 16.

<sup>7</sup> Lakoff, 24.

<sup>8</sup> Lakoff, 27.

<sup>9</sup> Lakoff, 107.

<sup>10</sup> Lakoff, 108.

<sup>11</sup> Lakoff, 111.

<sup>12</sup> Lakoff, 166.

Finley sees that, despite the existence of slavery in Athens, the incorporation of common folk (peasants, shopkeepers, craftsmen) into the sovereign citizen body was "an astounding novelty in its time."<sup>13</sup> He notes also that Aristotle recognized, and the Greeks understood, that elections are an aristocratic, not a democratic, procedure. They naturally entail the selection of the best people, however defined: "the *aristoi*, in place of government by all the people."<sup>14</sup> The inference here is that representative government, which of course is based on elections, is not democracy.

Finley strongly defends the Athenians' behavior at the time of the Sicilian expedition. He regards the mission's failure not as an example of the failure of democracy per se, but as the kind of misfortune that can befall any government regardless of the political system in which it operates. He emphasizes that the undertaking was discussed openly and at length by the citizenry, as were all major state actions in Athens, and he expands on the subject of communal discussion and action:

[I]t would be a mistake to overlook that the vote in the Assembly to invade Sicily had been preceded by a period of intense discussion, in the shops and taverns, in the town square, at the dinner table—a discussion among the same men who finally came together on the Pnyx for the formal debate and vote. There could not have been a man sitting in the Assembly that day who did not know personally, and often intimately, a considerable number of his fellow-voters, his fellow-members of the Assembly, including perhaps some of the speakers in the debate. Nothing could be more unlike the situation today, when the individual citizen from time to time engages, along with *millions* of others, not just a few thousand of his neighbours, in the impersonal act of marking a ballot-paper or manipulating the levers of a voting-machine. Moreover . . . many were voting that day to take themselves off on campaign, in the army or the navy. Listening to a political debate with that end in view would have focussed the minds of the participants clearly and sharply. It would have given the debate a reality and spontaneity that modern parliaments . . . notoriously lack.<sup>15</sup>

Finley disagrees with Thucydides as well as some modern critics of Athens who claim that the prominent leaders, not the demos, were the city's true rulers. He counters that in the exercise of his leadership even Pericles had to obtain for his policies the explicit and continual approval of the demos; the maintenance of these policies was always contingent on the free acquiescence to them on the part of the citizens. "The *decision* was theirs, not his or any other leader's; recognition of the need for leadership was not accompanied by a surrender of the power of decision." In general, the Athenian system prevented the creation of an institutionally empowered political elite. "Men like Pericles constituted a political elite, to be sure, but that elite was not self-perpetuating; membership in

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<sup>13</sup> Finley, 16.

<sup>14</sup> Finley, 19.

<sup>15</sup> Finley, 22.

it was attained by public performance, primarily in the Assembly, access [to this elite] was open, and continued membership required continued performance."<sup>16</sup> Finley compares such direct and personal leaders with today's politicians, who constitute a remote and "powerful interest-group in society . . . drawn from a narrow sector of the population . . . [almost] exclusively from lawyers and businessmen."<sup>17</sup>

Unlike those, like Lakoff, who prefer to see democracy as a system that constrains the collective power of the people so as to ensure absolute individual rights, Finley emphasizes that in Athens "There were no theoretical limits to the power of the state, no activity, no sphere of human behaviour, in which the state could not legitimately intervene provided the decision was properly taken . . . [in] the Assembly. Freedom meant the rule of [collectively decided] law and participation in the decision-making process, not the possession of inalienable rights."<sup>18</sup>

Finally, Finley acknowledges that in the history of Athenian government there were certainly "mistakes, tragedies, trials for impiety." These, he implies, are inevitable in any society. But in Athens, more so than in just about any other polity in history, there was a "genuine sense of community" with regard to political power.<sup>19</sup> People were not, as they are for the most part today, atomized and alienated spectators.



In her essay "Democracy: An Idea of Ambiguous Ancestry," Ellen Meiksins Wood argues that the plain meaning of democracy in ancient Greece was rule by the demos. In a revolutionary change from Greece's own archaic era, the citizen body of classical Athens included the banausic classes, i.e. peasants and workingmen. In the present age, however, the word democracy has been redefined. While now signifying a citizenry still more inclusive than that of Athens—women are citizens and there are no slaves—and representing liberal principles such as respect for civil liberties and human rights, the term "has been domesticated and diluted, emptied of its social content, its reference to the distribution of class power."<sup>20</sup>

The American Founders were frank and unapologetic in their denigration of democracy as it was universally and correctly understood up to their time. They did not describe their new constitution as a simple democracy, since it was no such thing. Alexander Hamilton coined a new phrase, "representative democracy," to label the new form of government the Founders were self-consciously instituting. This linguistic invention marked the beginning of a change in the use of the word democracy, the full transformation occurring over the ensuing century. It now meant, says Wood, "the transfer ['relinquishment,'

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<sup>16</sup> Finley, 24-6.

<sup>17</sup> Finley, 34-5.

<sup>18</sup> Finley, 78.

<sup>19</sup> Finley, 103.

<sup>20</sup> Wood, in J. Peter Euben, John R. Wallach, and Josiah Ober, eds., *Athenian Political Thought and the Reconstruction of American Democracy* (Ithaca: Cornell University Press, 1994), 61.

'alienation'] of power to 'representatives of the people' . . . [and this was something more than] just a necessary concession to size and complexity." By contrast, "The alienation of political power was so foreign to the Greek conception of democracy that even election could be regarded as an oligarchic practice, one democracies might adopt for certain specific purposes [mainly the selection of generals] but which did not belong to the essence of the democratic constitution. . . . Election was understood to favor . . . the notables; men of property and good birth. . . . The quintessentially democratic method was selection by lot."<sup>21</sup>

Wood has no time for the semantic acrobatics of a Lakoff. "In earlier times, democracy had meant what it said"; its modern reconceptualization and redefinition is tantamount to an act of "political hypocrisy and duplicity" by which the straightforward word is disassociated from demotic power and instead aligned with parliamentary representation, civil liberties, pluralism, and market values.<sup>22</sup>

But how is it that the plain and simple Greek notion of popular sovereignty could have been so drastically debased? Wood explains (though not particularly clearly) that in the early modern period the great political struggle was that between the king and the upper class as a whole. "If the peasant-citizen is the most representative figure of the first [i.e. ancient] historical drama, in the second it is the feudal baron and the Whig aristocrat."<sup>23</sup> The English revolutionaries were a small group—but a collective nonetheless—ranged against the single monarch. These men considered the class that they represented, in juxtaposition to the solitary king and his court, as "the people," and Parliament as the embodiment of the political nation. Hence "popular sovereignty." In that era the multitude simply did not count; they did not register on the political radar screen.

Of course there no longer exists the legal exclusion of any significant sector of the adult population from either the franchise or political office. It is therefore not implausible to claim that power now derives from the whole people. Wood reminds us, however, that the people are not truly sovereign. National politics is the special preserve of Parliament (or Congress and the president). The extension of citizenship has in fact been accompanied by the *weakening* of citizens' real power. Even while they share, meagerly, in the spoils of the economic advances engendered by capitalism, citizens are increasingly reduced to political passivity. This is the new "democracy." It is now synonymous with classical liberalism—the veneration of civil liberties and individual rights, protection against a supposedly overbearing state, etc. Such values are seen "not as a complement to, but as a substitute for, democracy as popular power." While "[t]he first premise of ancient Athenian democracy was that the demos . . . [was] competent to make political judgments, not just to elect their governors but to decide matters of substance . . . [m]odern concepts of representative democracy operate on an assumption very different from the ancient democratic idea, namely, that though our governors must be ultimately

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<sup>21</sup> Wood, 62.

<sup>22</sup> Wood, 64.

<sup>23</sup> Wood, 67.

accountable to the electorate, the demos must alienate its political power and its right to make substantive judgments."<sup>24</sup>

Given the vast difference between true, ancient democracy and the current political dispensation, Wood concludes, the re-creation of democracy in the modern age would require "[s]omething more than reform of representative institutions."<sup>25</sup> Such a movement would seriously challenge the entire liberal-representative-capitalist order.

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<sup>24</sup> Wood, 78-9.

<sup>25</sup> Wood, 80.



## Appendix H: Rogue Economics

The overwhelming class bias of American economics, which is a direct result of our oligarchic political system, is obvious. Aside from our everyday experience reflected in the daily news, it is fulsomely confirmed in the critical literature on the subject. Listed below are just a few recent titles.

- Moshe Adler, *Economics for the Rest of Us: Debunking the Science that Makes Life Dismal* (2010)
- Gar Alperovitz and Lew Daly, *Unjust Deserts: How the Rich are Taking Our Common Inheritance* (2008)
- Donald Barlett and James Steele, *America: Who Really Pays the Taxes?* (1994)
- Chuck Collins and Felice Yeskel, *Economic Apartheid in America: A Primer on Economic Inequality and Insecurity* (2005)
- David DeGraw, *The Economic Elite Vs. The People of the United States of America* (2010)
- Jeff Faux, *The Global Class War: How America's Bipartisan Elite Lost Our Future—and What It Will Take to Win It Back* (2006)
- Ellen Frank, *The Raw Deal: How Myths and Misinformation about Deficits, Inflation, and Wealth Impoverish America* (2004)
- David Cay Johnston, *Perfectly Legal: The Covert Campaign to Rig Our Tax System to Benefit the Super Rich—and Cheat Everybody Else* (2003)
- David Cay Johnston, *Free Lunch: How the Wealthiest Americans Enrich Themselves at Government Expense (and Stick You with the Bill)* (2007)
- Marjorie Kelly, *The Divine Right of Capital: Dethroning the Corporate Aristocracy* (2001)
- Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (2007)
- Les Leopold, *The Looting of America: How Wall Street's Game of Fantasy Finance Destroyed Our Jobs, Pensions, and Prosperity, and What We Can Do About It* (2009)
- Michael Zweig, *The Working Class Majority: America's Best Kept Secret* (2000)

As valuable as studies such as these are, as well as analogous ones on imperialism, environmentalism, and other major topics of concern to thinking people, it is important to realize that they generally do not offer true solutions to the issues in question. Toward the end of each book the author invariably lists the things that "we" should do to resolve the problems previously described. But the insuperable difficulty, as I have explained in this volume, is that neither the authors nor the readers set policy in societies of the type we live in. In order for us to be able to take the actions recommended we must be in control, and this requires democracy.

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