

### Lecture III:

#### The Republican Ideal in Europe

For fifteen hundred years following the fall of the Roman Republic in the 40's BCE, the "republican ideal" persisted in European political thought, although actual republican governments were few and tended to fall to tyrants and monarchs. Along with Catholicism, the European ideal of government became monarchical, with a king "by divine right" at the apex and a nobility below him, followed by a mass of peasantry with limited rights and often tied to the land as serfs. One's place in society depended solely on birth, except that young males could advance to positions of authority within the Catholic Church despite humble birth. Young females had the option of entering a convent and becoming nuns, but remained essentially outside the political system.

This hierarchical system only slowly was challenged by the growing power of towns and cities: commerce eroded the power of the kings and nobles and began by the 1200s or so to advance a new class of urban-based merchants to positions of power. Whereas land had been the sole measure of wealth in the Middle Ages – roughly, from 500 to 1200 CE – gradually the wealth of bankers and merchants came to rival that of the landed aristocrats and in places like northern Italy and the Low Countries along the North Sea, a middle class between the aristocrats and the peasants began to appear. Cities like Florence, Venice, Milan, Amsterdam, Bruges, and London began to establish oligarchic republics, outside the control of traditional monarchs or landed nobility. London, of course, was an exception, with local affairs under the control of a mayor and council, but the country of England, as a whole, governed by a royal bureaucracy and a parliament of nobles and commoners representing the whole of England, and, eventually, the entire British Isles.

Self-governing towns, which usually included a surrounding hinterland, achieved a sort of rough republicanism that often centered on the power of a single, powerful family: the Medici in Florence, the Sforza in Milan, and, further north, the Orange family eventually took a leading role in the Netherlands in the 1600s after many years under Spanish rule. Port cities such as Venice and Genoa managed to escape the rule of local landed aristocrats and created elected governments dominated by the city's merchant class. Each of these towns did have a representative council of leaders from trade guilds, bankers, and merchants. While not "democratic" in the modern sense, these early municipal republican regimes did provide an alternative model to the prevailing monarchical governments and frequently became hotbeds of popular (or mob) rule. Keeping the mass of poor city dwellers peaceful and fed recalled in many ways the challenges of republican rule in the ancient cities of Athens and Rome. The occasional demagogue seeking to seize control of the city with the aid of an aroused mass of people gave republicanism its revolutionary reputation, which would culminate the French Revolution of 1789, when the urban bourgeoisie – mainly lawyers and public servants – took control of the popular discontent and established the First French Republic in 1792 after elections for a Convention which wrote the new government's constitution. The appalling violence and mayhem of the Parisian mob, together with revolts around the country and invasion by Prussia and Austria seeking to restore Louis XVI (now simple Louis Capet) to the throne led to the creation in 1793 of the Committee of Public Safety. Over the next year the guillotine rarely stopped chopping off heads, starting with that of Louis himself in January 1793. Needless to say, the excesses of the French populace under the Republic gave this form of crude democracy a frightening reputation, similar to that later instilled in the West by the Bolshevik Revolution of November 1918 in Russia.

Modern political theorizing on republicanism and other forms of government can be traced back to the works of the Italian diplomat and political philosopher Niccolò Machiavelli (1469 – 1527) who picked up the works of Aristotle on politics and more or less updated them for the era in which he lived.

Acknowledging that there are essentially three types of governments (he does not include Aristotle's "tyranny" as a separate type of government) -- monarchy, aristocracy, and democracy, or what he calls "popular" government -- Machiavelli concludes that all three types of government tend to degenerate into tyranny (monarchy), oligarchy (aristocracy), and licentiousness or anarchy (democracy) and prescribes a system in which "there is combined under the same constitution a prince, a nobility, and the power of the people," because "these three powers will watch and keep each other reciprocally in check." (*The Discourses*, p. 115). Like later thinkers, he had in mind the so-called English "constitution" of king, lords and commons as a model of stable government. The same tripartite system formed the thinking of later political philosophers such as Montesquieu and John Locke, whose ideas in turn formed the basis for our own Constitution, with the president taking the role of the prince, the senate that of the nobility, and the House of Representatives the popular or democratic element of the government. Of course, our Founding Fathers devised a separate and co-equal judicial branch that owed more to the thinking of Montesquieu (a jurist himself) than to that of Machiavelli or Locke. The framers of the American Constitution were steeped in the political theories of the ancient Greeks and Romans as well as the more recent thinking of European political philosophers. In fact, the ideas of these Europeans were first realized in the American Constitution and Europe itself continued to struggle with the conflict between monarchy, nobility and the popular masses throughout much of the 19<sup>th</sup> century.

The French political thinker Charles de Secondat, Baron de Montesquieu (1689-1755) had a profound effect on the American constitutional framers. His book, *The Spirit of the Laws* (1748), like the work of Machiavelli, stressed the importance of a division of powers and the system of checks and balances as a way of maintaining a just and effective government. His views on democracy and republicanism are less well known, but certainly were also influential in forming the thought of our Founders. He was particularly convinced that democracy, which he saw as much the same as republicanism, required two things: virtue and equality. Love of country and putting the nation's interests above our personal interests was what he meant by virtue. His views on the necessity of equality in a democracy sometimes sound almost communist or socialist. He also had a few words about how voting should be done, to wit:

"The people's suffrages ought doubtless to be public and this should be considered as a fundamental law of democracy. The lower class ought to be directed by those of higher rank, and restrained within bounds by the gravity of eminent personages." The secret ballot, he maintained was fatal to the Roman Republic: "By rendering the suffrages secret in the Roman republic, all was lost; it was no longer possible to direct a populace that sought its own destruction." (Montesquieu, p. 12)

So much for electoral democracy. But at the same time, he wrote "It is . . . a fundamental law in democracies, that the people should have the sole power to enact laws." (Montesquieu, p. 13) He explains this by pointing out that "The constitutions of Rome and Athens were excellent – the decrees of the senate had the force of laws for the space of a year, but did not become perpetual till they were ratified by the consent of the people." (Mont., p. 13) In the American context, this is something like noting that "executive orders" are not laws unless actually enacted by Congress.

It is hard to square Montesquieu's belief in the wisdom of the people in the making of laws, with his concern that they be "restrained within bounds" by their betters at election time. Had he lived to see the disorders of the French Revolution, he would surely have considered his views confirmed.

Then on to the importance of *virtue* in a democracy:

"In a popular state, one spring more is necessary, namely, virtue." (p. 20) He contrasts this with the principles underlying monarchy and despotism, "As virtue is necessary in a republic, and in a monarchy honor, so fear is necessary in a despotic government." (p. 26)

To create a virtuous citizenry, he writes, “the whole power of education is required.” And he further defines this quality as “self-renunciation, which is ever arduous and painful.” (p. 34)

Finally, “Virtue in a republic is a most simple thing: it is a love of the republic.” “The love of our country,” he continues, “is conducive to a purity of morals, and the latter is again conducive to the former. The less we are able to satisfy our private passions, the more we abandon ourselves to those of a general nature.” (p. 40). One thinks of George Washington giving up his dreams of enjoying his plantation when his country calls him to duty.

Then Montesquieu distinguishes between a republic and a democratic republic:

“A love of a republic in a democracy is a love of the democracy: as the latter is that of equality.” “The love of equality in a democracy limits ambition to the sole desire, to the sole happiness, of doing greater services to our country than the rest of our fellow-citizens.” And finally: “At our coming into the world, we contract an immense debt to our country, which we can never discharge.” (p. 41).

These sentiments could have been written by Pericles or Cicero: service to the state is a key element of a republic and a democracy.

Like Aristotle, Montesquieu saw a rough equality among the people – what he calls a “mediocrity” – as essential to a democracy: “The good sense and happiness of individuals depend greatly upon the mediocrity of their talents and fortunes.” (p. 41). Achieving this equality is not easy, he notes: “Though real equality be the very soul of a democracy, it is so difficult to establish, [and] an extreme exactness in this respect would not be always convenient.” (p. 45) And legislation may be required to help this process along: “It is . . . the business of particular laws to level, as it were, the inequalities, by the duties laid upon the rich, and by the ease afforded to the poor.” (p. 45)

Montesquieu saw business (“commerce”) as good for society, and naturally leading to some inequality because of the reward it gave to people exhibiting “frugality, economy, moderation, labor, prudence, tranquility, order, and rule.” But “The mischief is when excessive wealth destroys the spirit of commerce, then it is that the inconveniences of inequality begin to be felt.” (p. 46)

Another French philosopher of the mid-18<sup>th</sup> century, Jean-Jacques Rousseau, wrote passionately on the subject of human inequality and how it came to pass, but, like Montesquieu, he believed the right form of political organization could overcome the worst effects of this inequality and that a small republic, like that of his native Geneva, could happily live with a largely unelected government so long as the governing class respected the rights of the common people, and the latter afforded the necessary respect and obedience toward their rulers. Rousseau felt sure (like Montesquieu) that this form of government could only work in a small city-state, like Geneva, and that large countries like France, naturally required more despotic governments to maintain any semblance of order. Rousseau did not think representative government, such as that practiced in Great Britain, actually gave the people a meaningful voice in national affairs: “The English people think they are free,” he wrote, “but they are greatly mistaken. They are free only at the moment when they elect members of Parliament, and once they are elected, the people are slaves, they are nothing.” (Quoted in Damrosch, *Rousseau*, p. 347.)

These sentiments were expressed in his controversial book, *The Social Contract*, published in 1748, which starts with the famous line: “Man is born free; and everywhere is in chains.” Although his thoughts do not appear to have affected the Framers of the American Constitution, they certainly seem to foretell the rampant democracy of the early years of the French Revolution and Republic. They are worth looking at more closely as a critique of the democratic idea. Rousseau believed, above all, in the existence of a popular will in a nation, what he called the *volonte generale* or “general will.” This will

could be expressed in a number of ways, but it behooved those entrusted with government – whether they were monarchs or elected leaders – to make sure their policies responded to this will. He also wrote that the popular will was “sovereign” and that the rulers were only there to carry out the peoples’ will. Later commentators sometimes pointed to this concept as the germ of the totalitarian regimes of the 20<sup>th</sup> century, or Napoleon Bonaparte’s dictatorship in France. By claiming to represent the “will of the people,” rulers eventually learned to cover their own power ambitions with the gauzy deception of the “popular will.” But of course our own republic sits on the foundation of the popular will, as enunciated in the Constitution’s opening phrase: “We the people . . .”

If representation, as in Great Britain, failed to truly reflect the general will, how could any nation hope to achieve a close coincidence between popular opinion and government policy? Rousseau would say: you must limit the size of the polity to a scale that would allow all voices to be heard. Of course, as we know, all voices when heard do not make a harmonious sound, even in a small city-state, much less in a large, continent-sized republic like the United States.

Some quotations from Rousseau’s *The Social Contract* give us an idea of his thinking, which is not always terribly clear and is often unworkably idealistic: (Jean-Jacques Rousseau, *The Social Contract and Discourses*, New York: E.P. Dutton and Co., 1950).

He uses the term “Sovereign” to denote the source of legitimate political power and writes that when the Sovereign (an abstraction which he also calls the “General Will”) commits “the charge of the government to the whole people or to the majority of the people, so that more citizens are magistrates than are mere private individuals, this form of government is called *democracy*.” (Rousseau’s italics, p. 63). In the small political state that he is imagining, every citizen is called upon not just to vote on important matters, but actually to serve from time-to-time in public office (to be a “magistrate”). Obviously this would not be possible in a political unit as large as a modern nation state, but his purpose is to describe the “ideal” democracy, not one that actually exists. As we saw in Lecture I, Athenian democracy relied on this same formula: all citizens were called upon from time-to-time to hold public office, but only for a limited term.

He then explains that since democracy can only realistically be instituted in a small state, larger states would need to have aristocratic governments and even larger states (like France) would have to be monarchies. It is unlikely that Rousseau would have approved of the French revolutionaries creation of a democratic republic to serve as the new government of France after the overthrow of the monarchy.

He then proceeds to more or less dismiss the possibility of a democratic state:

“If we take the term in the strict sense, there never has been a real democracy, and there never will be. . . . It is unimaginable that the people should remain continually assembled to devote their time to public affairs. . . .” (p. 65)

Power naturally ends up being exercised by a small group, or even a single despot, even if the system begins as a relatively direct type democracy.

Democracy, he maintains, is inherently unstable:

“. . . there is no government so subject to civil wars and intestine agitations as democratic or popular government, because there is none which has so strong and continual a tendency to change to another form, or which demands more vigilance and courage for its maintenance. . . .” (p. 66)

And, finally:

“Were there a people of gods, their government would be democratic. So perfect a government is not for men.” (p. 66)

The key takeaway from Rousseau’s theorizing is that a “representative democracy” is an oxymoron. Democracy, in his view, ceases to exist once a people turns over government to elected representatives.

We turn next to the great philosopher of representative government, the English philosopher John Locke. It will be his thinking (and that of Montesquieu) that most influences our own Founding Fathers.

Locke’s major works were written in the 1690’s, following England’s Glorious Revolution of 1688, in which King James II was forced to flee England and Parliament invited William of Orange to take the throne together with his queen Mary Stuart. In doing so, Parliament demonstrated its sovereignty and rejected the prevailing notion that monarchs “by divine right” derived their right to rule from God, not the people. Locke became one of the foremost spokesmen for the doctrine that all just powers of government derived from the people themselves and they had the right to withdraw their approval of a government – whether it was a monarchy, oligarchy, or democracy – and establish a new one. Of course, in practical terms, this meant Parliament – acting on the peoples’ behalf – had this power.

Locke’s *An Essay Concerning the True and Original Extent and End of Civil Government*, often referred to as the second of his *Two Treatises on Government*, was published in 1690 and became an important source of the principles and even the language in the American Declaration of Independence.

After a lengthy disquisition on how society arose from the state of nature, Locke makes a number of statements crucial to our understanding of democracy:

Man is “born . . . with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of nature equally with any other man or number of men in the world.” (p. 437)

From the state of nature, men freely choose to enter into a social compact and to create what he calls a “commonwealth.”

“Wherever . . . any number of men so unite into one society, as to quit everyone his executive power of the law of nature, and to resign it to the public, there, and there only, is a political or civil society.” (p. 438)

“Hence it is evident that absolute monarchy, which by some men is counted the only government in the world, is indeed inconsistent with civil society, and so can be no form of civil government at all.” (p. 438)

Although this statement may sound self-evident to our ears, it had a revolutionary ring to it in 1690.

“Men being . . . by nature all free, equal, and independent, no one can be put out of his estate, and subjected to the political power of another, without his own consent.” (p. 441)

Locke believed that men entered into civil society primarily to gain protection of their lives and property. Thus, government had to protect these vital needs, or it was no government at all.

And then he cites the importance of “majority rule” in a civil society:

“And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society, to submit to the determination of the majority.”

(p. 442)

Locke responded to those who contended that all men in today's world (at least in Europe) were born into existing societies and governments. They were not starting a new government. But, he responded,

“There are no examples so frequent in history, both sacred and profane, as those of men withdrawing themselves and their obedience from the jurisdiction they were born under, and the family or community they were bred up in, and setting up new governments in other places.” (p. 450)

Locke cites examples from the Old Testament quite often to support his points, and does so in this case as well, with the example of the ancient tribes of Israel breaking away and going off to form their own communities. Of course the reasoning used by Locke fit quite well the case some eighty years later of the American colonists breaking from Britain to form their own polity.

Locke then returns to the importance of “the majority”:

“The majority, having, as has been shown, upon men's first uniting into society, the whole power of the community naturally in them, may employ all that power in making laws for the community from time to time, and executing those laws by officers of their own appointing: and then the form of government is a perfect democracy.” (p. 456) He goes on to explain how the majority can also choose to create government by an oligarchy or a monarchy, making it clear that “the people” do not necessarily automatically opt to be self-governing, preferring instead to turn over government to a small group or to a single person, while always retaining the right to take back their consent should they be unhappy with the way the government is being conducted.

Perhaps most relevant for the later American revolutionaries were the lines:

“... nor can the people be bound by any laws but such as are enacted by those whom they have chosen and authorized to make laws for them.” (461) And finally, the legislature “must not raise taxes on the property of the people without the consent of the people.” (461)

New Subject:

Democracy, as you may have gathered, has two major issues:

- Determining the majority
- Validity of representation

“The People” rule, but in reality the “majority” rules and the minority has to go along

And, “The People” rule through elected representatives, which means the “election” is crucial (how representative are these “representatives”?)