Toward an Understanding of Europe

Toward an Understanding of Europe

A Political Economic Précis of Continental Integration

Alan W. Ertl

Toward an Understanding of Europe:
A Political Economic Précis of Continental Integration
Copyright © 2008 Alan W. Ertl.
All rights reserved.
No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without written permission from the publisher.
Universal Publishers, Inc.
Boca Raton, Florida
USA ✦ 2008
ISBN-10: 1-59942-983-7 / ISBN-13: 978-1-59942-983-0 *(paperback)*
ISBN-10: 1-59942-982-9 / ISBN-13: 978-1-59942-982-3 *(Adobe ebook)*
ISBN-10: 1-59942-981-0 / ISBN-13: 978-1-59942-981-6 *(Kindle ebook)*
www.universal-publishers.com

Ertl, Alan W., 1944-
Toward an understanding of Europe : a political economic précis of continental integration / Alan W. Ertl.
p. cm.
ISBN 1-59942-983-7 (alk. paper)
1. European Union. 2. European Union countries--Politics and government. 3. European Union countries--Economic integration. I. Title.
JN30.E756 2008
340.142'2--dc22
2008016730*

Pax non moldo res intellecti, seid etem res laborenti

Forward

What is unique about this writing is that it is directed specifically to the Anglo-American reader. The dynamics of the Anglo-American world produce such a commanding presence that often needed subtle knowledge of otherness becomes subsumed to Anglo-American understanding. Writing this 'Introduction to Europe' has indeed been an ambitious project. What is happening in Europe is singularly unique; actively vigorous and extremely comprehensive, making a meaningful understanding by necessity tediously complex. Here the presentation has been arranged to make the complexity pedagogic graspable. This book portrays Europe from a continental perspective, although written in the English language, it does not reflect the English view of things European. This book is also unique in that it takes a holistic approach to the multi-faceted consideration of the phenomena of integration.

The plan and purpose of this writing is to walk the reader through a functional first understanding of things pertaining to the interesting albeit complicated and very multifaceted integration movements engulfing European in the present period.

The plan is to present the salient elements as parts of information from the different academic disciplines augmenting the basic understanding of the dynamics working intertwined and associated with the movements dramatically leading toward the integration of Europe. In many aspects the writing is directed to the Anglo-American cum North American reader and for pedagogic purposes offerings comparisons between at hand and well known concepts to allow for clear understanding of the European conditions. This writing uses occasional none European examples to illustrate points being made, contrasting what is already understood in the Anglo-American cum English speaking world with Continental European doings reveals quickly clarity and gives transparency to the European at hand principles being discussed.

The purpose is to draw together the many elements that, each in their own way, contribute toward the academic thinking relating to the happenings affecting continental integration. As it is not possible in one short volume to detail the many previous activities that have transpired to form the present Europe, this writing selectively explains various fragmented aspects, to give the direction of an adequate understanding. It is necessary in studying such an activity that one possesses an introductory knowledge of social understanding, a sufficient and necessary foundation of general concepts is, consequently when needed, included. This material forms a fundus of understanding which is essential, and just as a foundation, although it is not seen; it does hold the entire edifice in place.

Writing this 'Introduction to Europe' has indeed been an ambitious project. Information was derived from several sources, with the intent to give closely related documentation a proper recognition. If this is not so, apologies are expressed for leaning on the work of others without giving full credit, this not being the object of the author.

Contents

Prologue x
Introduction 1
Europe.................. 2
  The Name Europe 3
  The Physical Geography – The Country of Europe.................. 4
  Population of Europe 6
  The Social Component – The Nations of Europe 8
  Cultural History 11
  Culture 12
The Political Divisions of Europe 18
Europa Humanum Est.................. 27
  The Slavic Languages 39
  The Celtic Languages 40
Political Economics of Europe 42
  A Design of Government 46
  Parliamentary Government 48
Economics.................. 52
  Monetary Policy.................. 53
  Fiscal Policy.................. 54
  Currency 56
  Microeconomics.................. 57
The Development of the European Community.................. 61
  The New International Order.................. 64
A Chronology of Some Important European Considerations 68
  Countdown to European Integration.................. 89
The European Union.................. 157
The European Community.................. 158
  Council of the European Union.................. 158
    The legislative work of the Council.................. 159
    Coordinating the policies of the member states 159
    Concluding international agreements.................. 159
    Approving the EU budget 160
    Common Foreign & Security Policy 160
    Freedom, security & justice 160
  The European Commission 161
    Proposing new legislation 162
    Implementing EU policies and administering the budget.................. 162
    The enforcement of European law.................. 162
    Representing the EU in the international arena.................. 163
  The European Parliament.................. 164
    Passing European Laws.................. 165
    Democratic supervision 165
    Power of the purse.................. 166
  The Council Presidency 166
  The General Secretariat 166
  Decision-Making Procedure 167
    Consultation.................. 167
    Assent 167
    Codecision 167
    Modernising the System 168
  Other Institutions and Committees 168
    The European Economic and Social Committee 168
    The Committee of the Regions.................. 169
    The European Investment Bank 170
    The European Central Bank.................. 171
    The Executive Board 171
    The Governing Council 172
    The General Council.................. 172
    The Euro 173
  European Union Institutions 173
    The European Ombudsman.................. 173
Elements of Integration.................. 174
  Social Structures.................. 177
  Elements of Civilisation 180
  An Overview of the Enlargement of the European Union.................. 180

France 181
  Statistics of France 182
  Religious Composition of the Population 182
  Ethnography 182
  Government and Constitution 183
  Specific to French Society 184
  History 184

Germany 197
  Statistics of Germany 198
  Religious Composition of the Population 198
  Ethnography 198
  History 199
  The Saxon and Salian Dynasties 199
  Guelphs and Hohenstaufens 201
  The Reign of Frederick II 203
  The Later Middle Ages 204

The Netherlands 210
  Statistics of The Netherlands 211
  Religious Composition of the Population 211
  Ethnography 211
  History 212

Luxembourg 220
  Statistics of Luxembourg 221
  Religious Composition of the Population 221
  Ethnography 221
  History 221

Belgium 223
  Statistics of Belgium 224
  Religious Composition of the Population 224
  Ethnography 224
  History 225
  Benelux 230

Italy 232
  Statistics of Italy 233
  Religious Composition of the Population 233
  Ethnography 233
  History 233

United Kingdom (UK) 243
  Statistics of the UK 244
  Religious Composition of the Population 244
  Ethnography 244
  History of the UK 245
  England 245
  Wales 253
  Scotland 253
  The Essential Difference 262

Ireland (Southern) 263
  Statistics of Ireland 264
  Religious Composition of the Population 264
  Ethnography 264
  History 265

Denmark 269
  Statistics of Denmark 270
  Religious Composition of the Population 270
  Ethnography 270
  History 270

Greece 274
  Statistics of Greece 275
  Religious Composition of the Population 275
  History 275
  The Cretan Civilisation 276
  The Mycenaean Civilisation 276
  The Dorian Invasion 277
  Greek Colonisation (1000–800 BC) 277
  Archaic Period 278
  The Golden Age – The Classical Period 278
  The Roman Conquest 279
  A Classical Timeline of Greek History 280

Spain 284
  Statistics of Spain 285
  Religious Composition of the Population 285
  Ethnography 285
  History 286
  The War of the Spanish Succession 289

Portugal........297
  Statistics of Portugal........298
  Religious Composition of the Population........298
  History........299
Austria........305
  Statistics of Austria........306
  Religious Composition of the Population........306
  Ethnography........306
  History........307
  Habsburg Rule in Europe........314
  Effects of World War I........321
Sweden........324
  Statistics of Sweden........325
  Religious Composition of the Population........325
  History........325
  The Reduction of Land (1650–1657)........329
  Major Dates in Sweden's History........335
Finland........336
  Statistics of Finland........337
  Religious Composition of the Population........337
  History........337
Poland........344
  Statistics of Poland........345
  Religious Composition of the Population........345
  History........345
  Foundation (966–1138)........346
  Disintegration and Reunification (1138–1370)........346
  The Jagiellonians (1386–1572)........347
  The Congress Kingdom........352
  Effects of World War I (1914–1918)........353
  Effects of World War II (1939–1945)........355
Hungary........356
  Statistics of Hungary........357
  Religious Composition of the Population........357
  History........357
  Saint Stephen's Legacy........359
  The Treaty of Trianon........364
Czech Republic........367
  Statistics of the Czech Republic........368
  Religious Composition of the Population........368
  The History of the Czech Republic and Slovakia........368
  Bohemia........368
  The Hussites........369
  Moravia........370
  The Munich Pact........371
  Teschen........371
Slovakia........373
  Statistics of Slovakia........374
  Religious Composition of the Population........374
  The Great Moravian Empire........374
  Prague........375
  Creation of Czechoslovakia........376
Estonia........380
  Statistics of Estonia........381
  Religious Composition of the Population........381
  History........381
Latvia........395
  Statistics of Latvia........396
  Religious Composition of the Population........396
  History........397
Lithuania........401
  Statistics of Lithuania........402
  Religious Composition of the Population........402
  History........402

Slovenia 408
  Statistics of Slovenia 409
  Religious Composition of the Population 409
  History 410
  Carinthia 410
  Carniola 410
  Slovenia's National Treasure (The Lipizzaner Horses) 412
Cyprus 415
  Statistics of Cyprus 416
  Religious Composition of the Population 416
  History 416
Malta 420
  Statistics of Malta 421
  Religious Composition of the Population 421
  History 421
  The Knights of Malta 424
Romania 426
  Statistics of Romania 427
  Religious Composition of the Population 427
  History 427
Bulgaria 432
  Statistics of Bulgaria 433
  Religious Composition of the Population 433
  History 433
The Non-EU Western Europeans 441
  Norway and Switzerland 441
  The European Free Trade Association 441
  Norway 444
  Switzerland 450
The Other Europeans 462
  European Microstates 462
  Andorra 462
  Liechtenstein 464
  Monaco 466
  San Marino 469
  Vatican City State 471
  European Territories and Regions 474
Comparative Remarks 475
  European Government Forms and State Heads 476
  Forms of Democracy 482
    American Fragmented Government 482
    Continental Parliamentary Democracy 483
Glossary 486
Index 522

Prologue

The European Union is about government. The art of government, or specifically, the management of collective political economic affairs, originates with opinion. In Europe, political economic opinion is collective, encompassing all things pertaining to the policies and functions of government, a subject matter both varied and extremely complex. Simply, political economics examines the governance of a group of people embracing activities covering both security and prosperity. Obviously, there is no affective bifurcation of these two considerations, as they both merge and integrate ultimately mandating a comprehensive knowledge of man himself.[1]

The aspirations of political economic thinking are concerned with the attainment, as far as possible, of the aims of civil society. Within a given political economy, these considerations are many and multifaceted; within the diverse political economies of Europe these complex differences are magnified enormously.

From the classical Greek writers through to the treatment of political economic considerations today, there have always been references to an ideal perfect state, references which have been propounded according to the writers' own speculative views. In modern times, political economic theory has centred largely upon 'the state' and upon the relationship between the state and 'the individual'. Now the state system in Europe is rapidly giving way to a larger identity, 'the meta-state', as the various nation-states of Europe combine to form a larger transcontinental entity, focusing attentions and consideration on the meta-state and the individual.[2] This is new. During the mediaeval period, political theory focused on the individual and the church, in the ancient world, the focus was on the individual and secular power.[3] Now political economic thinking takes the meta-state, or some such other global grouping, as the central point of consideration vis-à-vis the individual.

The convergence of thinking from the smaller state to the larger meta-state requires a completely new focus, essentially a totally new comprehensive dialectic. Over time, divergent contentious theoretical positions have been created and exacerbated by conflicting terminology differences generated and used by different theorists. For example, the simple word 'state' does not have the same meaning in the writings of Karl Marx as it does with Hegel and for that matter, both are certainly different from the meaning given to it by Herbert Spencer. Or perhaps the word 'government' one that is sometimes used to describe the entire apparatus of political control in a society or to distinguish the central activity from other parts of the political machine, or even, as by Rousseau, in the particular sense in which it is contrasted with sovereignty. 'Sovereignty' itself is a word which is used occasionally as a quasi-legal, and at times decidedly political, term and has different connotations in context in relation to internal and international affairs.

The problem in developing a definitive language of political economic terms can be seen by considering the definitions of relatively simple political economic concepts. Concepts mean many things to many people and are constructed of terms that have varied definitions according to the author, time, consideration and place. These words, are not only used in different environments, they also have a variety of associated meanings. Most of the words employed in political economic theory are terms familiar to individuals on an everyday basis and therefore often have strong associated nuances, for example, the word 'democracy'. The fundamental concept inherent in the basic term democracy is strongly associated in the minds of Americans with the idea of personal freedom from coercion by the state power; whereas, for many individuals from eastern Europe, it is associated, chiefly, with the victory of The Revolution of 1917 over autocracy and upper class predominance. The word 'Recht' from the German or 'Droit' from the French, are often untranslatable into English because, in English, there is no word that covers the subtle combination of right and law, which both of these words convey. In general, however, modern theory uses the word 'state' to signify the entire central machinery of political control, which is developed within a modern polity or society, as distinguished from individual or local government and from private agencies. It is a term incorporating the totality of the whole, especially of government in relationship with other societies. Further, the word 'government' is most generally used to infer either much the same as state in the first of these two senses or the political executive power as distinct from both the legislature and the judiciary and also from the administrative machine through which the decision of legislature or executive are put into effect, this coming from the United States. In the United States the government, in the second of these senses, is commonly spoken of as the 'administration' as in the American language distinct from, in British parlance, where administration means mainly the body of permanent officials, as opposed to the political leaders of society.

---

[1] See Professor A. Marshall, *Principles of Economics*, Vol. I, Bk. I, Ch.1, Sec.1.

[2] The meta-state is superseding the previous smaller regional national entities, and itself provides the environment where political economic theory focuses upon the relationship between the collective group and the individual. Presently there are two essentially different ways of looking at this collective, representing two groupings within Europe, one centred around a Paris-Berlin axis, the larger group of European union states, which believes that being united, both politically and economically is imperative for a degree of European strength on the world stage. The second group, smaller, and lead by London, believes that the European Union should remain solely an economic free trade area. The former is working for a political economic interdependence along the lines of 'standing strong united', the latter for political economic independence motivated by individual advantage and the idea of sovereignty.

[3] The exception here being when, perhaps, one would be content with the facile identification of the Greek polis or city with the modern state

Society, as a political economic term, apart from denoting any formal organised group with rules, means the whole complex, including both state and government with groups and associations of every sort, and also the individual citizens within a particular area. The word 'community' is frequently employed in this sense but it is also often used to denote similar groups, usually local, within the wider social setting, including national, racial or ethnic collectivities. 'Community', as a term, usually carries with it the implication of a feeling of unity and solidarity amongst those within it, whereas 'society' is a much more neutral term. 'Society' has, in some instances, a flavour of sociology and is often used to describe the pattern of institutions in primitive communities, which cannot be said to possess a state.

Not only amongst a people do terminologies (and so definitions) within the political economic theoretical context change, so too throughout Europe, terms have different concepts and import attached to them. These terminologies and the use of specific dialectics is the stuff of which opinion is constructed. This merging and converging of thought is very involved especially throughout Europe and at this current time of 'meta-state' development, it is a process with deep-rooted organic complexity, traceable throughout European history.

GREEK AND ROMAN POLITICAL THEORY

Political theory began when man consciously reflected on his relationship to society and its claims upon him. The earliest great political theorists stem from the Grecian period simply because in this period man developed written language to convey thoughts to future generations. Before written language, political theory was not only prevalent amongst men, but it was also influencing the development of both current and future opinion.

The earliest formidable eurocentric political economic dissertation is found in Plato's Republic written in Athens around 380 BC. The Republic is a remarkable treatise on human nature, postulating a harmonious development of varying human capacities within the common life of the city within the Platonic schema of things. Plato thought of the city not as a dwelling place, but as a self-governing, independent urban/suburban area, small enough for the citizens to be within easy reach of the urban centre, a centre which Plato saw as the focal point of corporate life and allegiance. Plato took it for granted that this type of city-state is the right form of social organisation for a highly developed people and he, within his work, set out to discover the principles on which such a city ought to be governed. Plato gravitated towards an aristocratic system as he believed that there are superior and inferior types of men and that only the highest type is befitted to become a ruler. One does not rule in one's own interest but in the interest of the whole city. Plato made a clear distinction between three types of citizens – i) the guardians or rulers ii) warriors and iii) workers. These types of individuals are characterised by psychological status, as each type is supposed to have a certain predominant quality of mind or spirit. The ruler is guided in his actions by knowledge, the warrior, by faith or belief, and the worker by simply guessing. For each type of individual, within the social setting, is found a corresponding social function. It is for the city to select the appropriate persons for these various functions, to control and supply the appropriate kinds of upbringing or education for each group and thus to establish a degree of social harmony based on the performance by each of his appropriate task. This constituted Plato's Utopia. In The Laws, his latter work, Plato described a constitution, which would be laid down on less ideal lines. This was done so as to be easier to obtain for an actual city. The Laws is not nearly as idealistic as The Republic. The various Platonic conceptions have exercised an exceedingly enormous influence on subsequent European thought. Plato's philosophy, which makes the actual and individual aspects, out of a faint copy of the universe, (idea) lead, in its application to political theory, to an exaltation of the city or state as the representative of the 'idea' and to a view of the individual citizen as doing well, in proportion, as he fulfils his function in relation to the city as a harmonious whole. The modern idealist conception of the state was built by Hegel on this very Platonic foundation, though greatly modified. Platonism as a political theory, has fascinated men down through the ages, some stressing the Communistic element of his Republic in which private property was denied to his ruling and warrior classes, others the strong aristocratic element in his doctrine and yet others a notion of a functional society in which each citizen is called upon to play a part corresponding to the properties of his individual nature.[4]

ARISTOTLE

Aristotle, Plato's greatest successor, accepted no less the notion of the city as the best kind of political society but was also much more individualistic in his thinking. For Aristotle, the right purpose of human societies was the achievement of 'the good life' conceived as the happiness or well-being of the individual citizens.[5] To Aristotle is attributed the distinction of identifying the three main types of constitutions i) Monarchies ii) Aristocracies iii) Democracies and their characteristic perversions — tyranny, oligarchy and ochlocracy.[6] In general, the same distinction was made by Plato in The Statesman. However, Aristotle formalised this thinking and gave it the central place in his analysis of constitutional types. Further, he was the first writer to give political theory something of a formal shape and to equip it with an identifiable apparatus of technical terms that have, to a substantial extent, done service ever since. Plato's approach to the topic was essentially psychological. Aristotle's, in contrast, was based much more on a comparative analysis of the actual constitutions of which he was an indefatigable collector.[7]

---

[4] See G H Sabine, *The History of Political Thought* (1937) and Sir J L Myres, *The Political Ideas of the Greeks* (1927).

[5] Slaves were treated as creatures of a lower nature. Aristotle thought that some men were 'Slaves by nature' even thought he asserted that man was, by nature, a 'political animal'—ie, a maker of cities.

[6] Mob rule

Aristotle's Politics (essentially, a finished treatise albeit a compilation from other original source documentation) is a remarkable attempt to lay down the conditions of the ideal city-state and impart a comparative account of the merits and defects of a number of actual constitutions. Aristotle criticised Plato's doctrines, going so far as to reject Plato's proposal to abolish private property in the family. However, he did agree with the view, put forward by Plato (in Plato's Laws), that no society can be regarded as good unless it is under a rule of law binding upon the governors as well as the governed. No societies, whose rulers are not subject to law, is consistent with the fundamental requirement of human freedom, which involves that rulers and the rules shall be related to each other, not as master and slave but as equals in the sense of being equally subject to the rule of law. Aristotle was emphatic in insisting that it is an error to regard the political society as a large kind of family.[8] Aristotle takes this position on the grounds that the relationship between child and parent cannot be one of equality because the child is not in a position comparable with the adult citizen. In effect, he says this also of the position of the wife, on the grounds that women's different nature precludes the political kind of equality. Aristotle emphasised equality, which was based on the rule of law. Regarding this, he rejected the notion of government by the wisest men, the concept of the philosopher-king, holding that it is better to be under the rule of good laws than of good men.9 Aristotle in his Ethics emphasised the concept of the mean, that is, the moderate as the practical norm of conduct. Similarly, he based his Politics on a similar conception of moderate advance from the existing condition of a society towards something better, always subject to the necessity of building upon existing law and custom rather than intervening in such a way as to break the continuity of development.

Aristotle was very clear about his concept of equality under law, which, for him, was based not upon confusion but upon consensus. Aristotle's concept was on no account implying democracy. In the first place, he excludes altogether from it those who are "slaves by nature" and secondly, over and above this, he regards all who have to pass the best part of their lives in manual labour as incapable of citizenship in any full sense. For Aristotle, the citizen is not just a man possessing rights as a man. He insists the citizen must be an educated individual possessing the required necessary leisure for contemplation and capable of forming a rational judgement on political affairs. His writings find him leaning toward monarchy or at least aristocracy, as ideally superior to democracy but even the democracy with which he compares them would be classified in modern times, because of its exclusionary element, as a kind of aristocratic rule. In practice, Aristotle advocated a mixed constitution embodying a judicious mixture of aristocratic and democratic elements.

Aristotle, throughout his writings, continued to discuss the city-state, emphasising the way he considered a city-state ought to be. In his ideal society, the good man and the good citizen are deemed to be the same, for the whole purpose of Plato's ideal society was to produce good men, but as a counter, thereto, in actual societies, according to Aristotle, good men and good citizens may not be the same. Whereas the ideal of goodness is one, actual societies are of many different types, each embodying a distinct pattern of values, so that the virtues appropriate to citizenship differ from society to society and may diverge significantly from the norm of individual moral goodness. This involved a distinction between politics and ethics.[10]

---

[7] With his students, Aristotle, makes reference to the constitutional history of 158 city-states. Unfortunately, only those notes on the *Constitutions of Athens* have been handed down to the present generation.

[8] See Plato in his dialogue *The Statesman*

[9] Law, Aristotle regarded as embodying the accumulated experience of men, developed on the basis of custom, and he insisted on the importance of custom and tradition as opposed to innovation.

A very interesting and perhaps outstanding feature of Aristotle's political writing is the skill with which he analysed the actual working of society as distinct from its formal constitutional structure. He made distinctions between predominantly urban and predominantly agricultural societies, but also about the influence of the distribution and varying forms of poverty and wealth and upon the art of adapting constitutional forms to the requirements of city-states with different economic structures.

AFTER ARISTOTLE

After Aristotle, Greek political theory underwent great changes as the independence of the city-states gave way before the power, first of Macedon and then later of Rome. Many attempts were made to induce the Greek cities to combine into effective federal units, and Isocrates and others preached the gospel of a united Hellas, but these attempts did not amount to much and essentially Greek political theory became divided into a number of schools. Specifically, and perhaps more prominent were the Cynics, Epicureans, Sceptics and Stoics of which the Stoic school was destined to exercise, far and wide, the greatest influence by transmitting its present political doctrines to the Romans. Broadly, the Stoics, who were formed fundamentally by leaders stemming from Magna Graecia rather than from Greece itself, were responsible for the development of the idea of a law of nations binding upon all men and valid above the local constitutions or codes of particular societies. This was embodied in the concept of a law of nature by the light of which all men should live, bound up in the idea of natural equality, ie, an underlining equality of all men and also women before God. The Stoics did not interpret this natural equality as involving political democracy or its consideration. Individual Stoics did so to very different degrees. The equality they suggested postulated a degree of ethical consideration rather than a political or economic one. Their thinking involved the recognition that any man, no matter what his station in society, might be self-disciplined enough to live a rational or good life. Out of this concept came that of equal justice and also the advocacy of humanness as a universal duty. This fundamental school of thought gave way to Roman jurisprudence. The Stoic philosophy, first formed by Zeno of Citium towards the end of the 4th century BC was systematised by Chrysippus (280–207 BC) and was largely revised and further developed by Panaetius of Rhodes (c. 180–110 BC). The form given to it by Panaetius was adopted by Cicero (106–43 BC) and became the fashionable philosophy of Roman aristocracy in the last centuries of the republic. It has come down to current political thinking chiefly through Cicero's writing. [11]

Through Cicero and the Roman aristocrats, Stoic thinking passed over to Roman jurisprudence per se, where the Stoic conception of the law of nature encountered the purely legal conception of *jus gentium* (the law of nature). This *jus gentium* had been developed by the Romans as a body of legal principles used in dealing with cases, which strictly applied to Roman law, with largely ceremonial observations and only applicable to Roman citizens. As Rome became the centre of an expanded empire, it became necessary to develop a way of thinking, a form of law, capable of dealing with cases in which foreigners, foreign rulers and practices were involved. It was recognised early on that the propagation of Roman law, developed from Roman custom, was not significant or sufficient for people of other customs, in other places, under other laws. This led to the idea of certain generally valid principles of law and justice underlining the variant laws of different countries and embodying generally held notions of the good and just (*boni et aequi*). *Jus genitium* was not the same as the Stoic's law of nature, because the one was conceived as being discovered by comparison of different actual legal systems and imperfectly embodying them all, whereas the other, that being the law of nature, was regarded as discoverable by the use of human reason and not necessarily as embodied in the positive laws of particular societies. Nevertheless, the two were closely enough related for the concept of natural law to deeply influence the accounts given to the *jus genitium* and sometimes to lead to the identification of their contents. The latter Roman jurist distinguished between them.[12] Gaius (second century AD), as well as Cicero, used the terms as being synonymous. Consequently and through evolution, the Stoic concept of a law of nature became part of the Roman concept of law, which in the *Digest* and in the *Institutes* developed three branches, the positive law of Rome *jus civile*, the *jus genitium* and the *jus naturale*, the last of which embodied a higher and more universal binding law than either of the others.

---

[10] Which Plato essentially treated as the same.

[11] Especially *The Laws* and *The Republic*.

SENECA

Here was an expressed principle, which the other kinds of law only adopted to meet the conditions of particular societies or occasions. The idea of all human society resting on this foundation of natural law was the great legacy of the Stoics, implemented through Roman jurists. To the above came the modifications of Seneca. Before these doctrines of Roman law had taken shape, the Stoic doctrine, in relationship to politics, had been considerably modified by Seneca (d. AD 65). In Seneca's writings is found the germ of a doctrine, which became an important element in mediaeval political theory—the idea that positive law and government are needed because of man's wickedness and folly, and as the instrument for compelling men to better conduct than their passions would allow them to follow, without its coercion. In Seneca's thoughts, there is a law of nature, which wise men recognise and act upon and this law, based on reason, is and ought to be the norm. The positive laws of societies ought to fuse with it, as far as possible, but have to be adapted to deal with human depravity and most, therefore, contain many elements which find no place in the pure law of nature. Seneca laid the foundation for the influence of Christianity. His ideas were close to the doctrine of the Christian Fathers but what the Christian writers added was both an identification of the law of nature with the law of God, and an assertion that this law was not simply ascertainable by human reason, but was from God and was to be understood in terms of the divine revelation contained in the Holy Christian Scriptures. Thus, the law of nature and the divine law were thought to be two aspects of one. Similarly, with the view that the need for government and for positive law both rose out of the fall of man due to his corruption from a state of perfect innocence. This idea was held to justify many institutions of positive law for which no direct justification could be found in the law of God or in the dictates of human reason. So the doctrine of natural equality before God was reconciled in mediaeval theory with the validity of political and economic institutions, which because of man's sinfulness, had to embody very great inequalities.[13] Christian thought was faced, as the thought of the pre-Christian world had not been, with the idea of a dualism in man's nature, which was often identified with the differences between body and soul.

EARLY CHRISTIAN THOUGHT

The emphasis on man's dual nature was not exclusively Christian but the idea did take root very definitely in Europe. Man's duality was also common to many of the eastern religions which permeated the Roman Empire, but among these religions, Christianity was the most dominant. The concept of duality made its impact on political theory, therefore, mainly in its Christian form. A distinction was drawn between things spiritual and things temporal. The Church and the Empire merged as the claimants to spiritual and temporal authority. The early Christian thinkers, such as Ambrose (subsequently Paul), who first gave Christianity its gentle form and appeal as a universal religion, insisted strongly on obedience in secular matters to the spiritual dimension and this insistence became stronger when Christianity had become the official religion of the Roman Empire. The Church leaders eventually began to insist that, in spiritual matters, the Church must have the exclusive voice and attempted, at varying points, to draw a boundary line between these two realms. At this stage, there was no claim to supremacy of the Church of the Empire. However, there was a claim that the spiritual realm in which the Church was, of course, naturally supreme, was pre-eminently superior to the secular realm, which arose out of man's sinfulness and was, therefore, incapable of any form of high degree of goodness.

---

[12] See the *Digest* and Justinian's *Institutions*.

[13] See Sabine op cit and amongst others, Sir Ernest Barker *Greek Political Theory* (1918). Beau Von Gierke, *The Development of Political Theory*, translated B Freyd (1939) and *Political Theories of the Middle Ages*, translated F Maitland (1900). B Jarrett, *Social Theory Of the Middle Ages* (1926). J P Myer *(ed)*, *Political Thoughts: the European tradition* (1939). Sir R W and A J Carlyle, *A History of Mediaeval Political Theory in the West* (Six Volumes 1903–36). C H McIlwain, *The Growth of Political Thoughts in the West*, 1932.

It was at this juncture, in the development of the influence of Christianity upon the state and the embodying development of Christian thought, when Augustine of Hippo (354–430) wrote *De Civitate Dei* (On the City of God). Here, the distinction between the two cities which man inhabits, is made very clear. The distinction between the terrestrial city and the heavenly, celestial city, was drawn very sharply but it cannot rightly be held that Augustine identified these two cities with Empire and Church. This argument was concerned not primarily with institutions but with the dualism in man himself and it can be argued that his City of God was not the Church but a concept of perfection in man's mind, of which even the visible church was only an imperfect embodiment. It is, nevertheless, true that Augustine's writings contributed very greatly towards enhancing the Church's claims and, especially, they later supported the assertion to final supremacy of the spiritual body of power embodied in the Church over the temporal power embodied in the Emperor. It was not to be suggested that the temporal power was to be denied. It was, however, claimed that the Church, as the superior power, had the right to invest the Emperor with his authority and even to deprive him of it if he failed to exercise it as a servant of the Church, as all authority came from God. Here developed a controversy, which ran right down to and included the Middle Ages. If the Church's claim to universal authority in spiritual matters was accepted, either a distinction must be drawn between the spheres of spiritual and temporal authority or, alternatively, the unequivocable supremacy of either the Church or the Empire must be asserted. All of the theorists had to be dualists until someone was ready to deny the claim of the universal church altogether and to construct, on this basis, a unitary theory of the supremacy of the temporal power. This was, in effect, done by Marsiglio Padua in his *Defensor Pacis* (1324). However, throughout most of the mediaeval period no one, at least openly, questioned the final nature of the Church's authority, even though many attempted to put limits on its range.

Even Dante's *De Monarchia* (c. 1312) which is, perhaps, the most outstanding treatise asserting the unqualified claim of the Empire to temporal power held direct from God, did not deny the parallel right of papacy to supreme spiritual power. The Empire, which Dante (1265–1321) sought to uphold as the means to the peace of Christendom, had no real existence in his day. Temporal power was, in fact, divided among a number of federal kings whose dominions were in the process of changing into consolidated national states. Wherever this change occurred, the practical issue that faced men was no longer between Church and Empire or between Pope and Empire but between the papacy as the sole real authority with some degree of universality, at least in the west, and the kings or governments of particular territories falling within Western Christianity.

A movement away from Rome, into decentralised states throughout Europe, created a situation of great difficulty for the dualist theorists. These theories were not necessarily to do with defining the separate spheres of Church and Empire or the Pope and the Emperor but with decay of the Holy Roman Empire as an embodiment of temporal power, with the assertion of a new form of political collectivity. Connected to the problem inherent within the decay of the political system in western Europe, was that of the Church as it existed within the realm of each of these distinct secular governments. The papacy had, in effect, two claims. Firstly, authority over kings including the right to excommunicate and dethrone them if they were convicted of an offence against God and the Church, and secondly, authority over the whole Church, irrespective of the secular governments, within the areas in which its mission and its possessions lay. The rise of a system of sovereign-states carried with it, in varying degrees, a denial of both these claims and an assertion of a counterclaim by monarchs to hold their authority direct from God himself[14] and not indirectly through subjectivity to the Church. A second counterclaim was that there should be recognised national churches immune from papal appointments and decrees, with a right of self-government.

This thinking opened the floodgates to casting mediaeval political theory in a religious mould. The classical influence mainly came from Cicero and Seneca as re-interpreted by the Christian Fathers. *The Policraticus*, of John of Salisbury, written in 1159, is a summary of this tradition. Aristotle's *Politics* (in about 1260), unknown in its Greek original to the mediaeval writers, was translated into Latin, and consequently Aristotle's influence returned directly into political thought, leading to its acknowledgement by Aquinas (c. 1225–1274), through whom it formed a part of a general system set forth in his *Summa Theologica*.

THOMAS AQUINAS

Thomas Aquinas took over from Aristotle the distinction between legitimate government and tyranny and insisted on the supremacy of law over the ruler. Before him, human law is related to and derived from divine law and in the context, between the spiritual and the temporal power; he ranged himself, albeit with moderation, on the side of the papacy. His writing asserted the existence of a law of nature which, being a product of human reason, applied to both pagan and Christian societies and involved universal obligations. In Christian societies, this natural law is in harmony with the superior divine law, based on revelation. Thomas Aquinas regarded society, not as something artificial but as natural to man and he gave some countenance to the doctrine that the ultimate political authority resided in the people, although he rejected the contention of John of Salisbury that tyrannicide was justifiable. The thought of Aquinas is a synthesis of the early mediaeval doctrine of natural law and of the Aristotelian doctrine of society as natural to man and as necessary for a good life. The Aristotelian influence restrained him from asserting the unqualified doctrine of papal supremacy but he opposed the attempt to draw a sharp line between reason and revelation and the formation of a purely secular theory of state.[15]

EUROPEAN POLITICAL ECONOMIC THEORY

European political economic thinking, as formal theory, originating from many classical sources which developed and maturated slowly over time. A prominent stage in this development eventually was given over to the development of a theory of the secular state. The transition from mediaeval into early modern political theory was highlighted very early on by Niccolò Machiavelli.[16] Although Machiavelli's book, *The Prince*, was repeatedly denounced as an immoral manual for tyrants, it became the starting point for a comprehensive secular theory of the state. In actuality, Machiavelli was a strong admirer of republican institutions.[17] He believed that Italian unity could not be realised on a republican basis and consequently, in *The Prince*, he devoted a significant portion of the writing to an exposition of the arts of authoritative government.

---

[14] This being the assertion of the Divine Right of Kings

[15] For an excellent general review of the topic see *Chambers Encyclopaedia Britannica*, *La Rousse Universel* and *Der Grosse Brockhaus* (any editions).

[16] Machiavelli (1469–1527) was Florentine and witnessed the French invasion (1493), which forced the Medici to flee the city. He worked as Secretary to the Ten in Florence, until the fall of the Republic in 1512, and then for Caesar Borgia, which allowed him to travel throughout Europe. On the Medici restoration Machiavelli became involved in a situation which resulted in his arrest, torture, and eventually subsequent pardoning, after which he withdraw from public life and devoted himself to literature. One of his key writings is *De Principativus* or *Il Principe*, (Rome 1532) containing a broad scheme for the establishment and maintenance of authority, suggesting all means may be employed and that the worst and most treacherous acts of the ruler are justified by the wickedness and treachery of the governed. In his ardour for the liberation of Italy, Machiavelli had become convinced that strong native governments, even though absolute, must be endured (as with Medici for Florence). Although condemned by Clements VIII, the work became significant in the development of modern European political economic thinking.

MACHIAVELLI

This position, interestingly enough, led Machiavelli to fiercely oppose the authority of the papacy, which for him had become a temporal power ruling central Italy, while simultaneously claiming universal spiritual dominion. He was prepared to recommend to an ultimate ruler bent on power, any method, which he thought likely to achieve exactly that success. The doctrine itself found in *The Prince* is not actually immoral *per se*. It was amoral regarding means, and laid the foundation for a theory of the state which was absolved from obedience to the rules of private morality.

Although holding a high regard for private virtue, Machiavelli considered that such virtue was not necessary for the ruler. Rulers, for him, should shape their conduct with a view to success, regardless of moral perceptions. In his eyes, the worst crime of a ruler was to allow his state to become feeble and he assumed that egoism and desire for power were the dominant motives and attributes of rulers. Machiavelli laid enormous stress on the function of the one man—the lawgiver—as ruler and constitution maker.[18]

Machiavelli had little consideration for the claims of aristocracies, which he regarded as being essentially conservative and actually obstructive. He clearly denounced mercenary armies, upholding the idea of a universal citizen army, the essential instrument of any government ruling in the common interest. For him, all loyalty and moral standards were only valid if they were directed towards the goals of the state. Any principle found detrimental to the state had no validity. Machiavelli's writing was born just prior to the Reformation. His views were exclusively secular but with the break-up of Western Christendom during the period of reformation, religious theory came to be reinforced and aligned with the claims of the state.

In the 15th century there was an attempt to reform Catholic thinking and overthrow the dogma of the papal supremacy by asserting the authority of the church councils rather than the Pope. This was aimed at making representatives of all sections of the church superior to the individual at its head, representatives that were able to create doctrine binding upon the Pope and upon every Christian individual and institution, a sort of democratic Christendom—Christianity. This 'conciliar' movement, made known by William of Occam (born 1349) and after him the continental Nicholas of Cusa (1401–1464), finally collapsed when the schism found in the papacy itself had been ultimately rectified, allowing the Popes to consolidate and gain, once again, for a brief period, their authority.

CHALLENGE TO THE PAPACY

In the 16th century, there was a challenge to the papacy. This time it was not motivated by the idea of a general council standing for the whole body of believers, vis-à-vis the Pope, but was a challenge to the inner conviction of the reformers about just what sort of behaviour was pleasing to God. Theologically the doctrines of Calvin (1509–1553) and Luther (1483–1546) were very different and politically the respective followings came to take up quietly divergent attitudes to this question but both Luther and Calvin were led to exalt, in opposition to the papal power, the authority of the state. Both positions preached the duty of unqualified obedience to secular power. Lutheranism continued on this course whereas Calvinism (specifically when it fell into the hands of John Knox and other leaders), became involved in violent disputes with states, which the government supported, although they were regarded as radical and vicious doctrines. Luther, seeking secular support for his assertion of religious freedom based on personal experiences, became an impassioned upholder of the claims of the secular state, from which the Lutheran churches developed in practice into churches relying on state protection. Consequently, in response to this, they exalted the position of secular rulers and accepted the role as auxiliary to the secular power.

---

[17] See specifically his *Discourses on the First Ten Books of Titus Livius*.

[18] See the excellent treatise on political power in volume xi of *Chambers Encyclopaedia*, London (reprinted 1968).

Lutheran religious doctrine, which tended to interpret religion in terms of personal religious experience, made for quiet acquiescence as a contrast to the Calvinist tendency towards theocracy, with the state serving under the leadership of the 'elect' as the secular arm of the rule of the saints. Where this was in opposition, Calvinism asserted the rights of the true believers against the state and tended towards belief in the democracy of the faithful as the agent of moral and political reform.[19]

Luther laid the foundation for the idea of subordinating church jurisdiction to that of the state.[20] This was an idea directly in contrast to that of Calvin, which itself prepared the way for 17th century religious radicalism.

ABSOLUTE MONARCHY

A key point in the development of religious radicalism was the idea of absolute monarchy, which came to a head in the 17th century in Britain, after first developing in 16th century France. Francoise Hotman's *Franko-Galia* of 1573 and his *Defence of Liberty Against Tyrants* of 1579 (originally published in Latin and called *Vindiciae contra Tyrannos*), are outstanding contributions in the development of French Protestant thinking, which developed subsequent to the Massacre of St Bartholomew and animated a major discussion of the rights of subjects versus kings. The *sine qua non* of the argument is that man's final duty is towards God and that kings owe this duty directly, as much as other men, and consequently are not absolute but in reality find themselves in a contractual relationship with their people. The implied contract with their people and their definite duty to God binds them to govern well and in accordance with true religion. If they fail in this respect, the people have a right, as God's servants, to disobey and resist the kingly authority.

The theory of absolute monarchy, coupled with the idea of the Divine Right of Kings, was subject to attack from Catholics as well as from Protestants and was particularly assailed in the political theories developed by Jesuit writers in the late 16th and early 17th centuries.[21] Reassertion of the claims of the papacy rejected altogether the contention that the kings of secular governments held their power from God, either directly or through the Pope and developed the doctrine that the state was a purely secular institution established by men in the interest of order and security, on a base of human reason. The Jesuit argument was that because of this, the church, embodying the spiritual principle, was by nature superior. This idea affirmed the right of the Pope to release subjects from allegiance to an heretical king. This secular conception of the state led to the modern doctrine of popular sovereignty.

Against the Jesuit thinking, the advocates of absolute monarchy, notably William Barclay (1526–1608) and King James I of England, elaborated the doctrine of Divine Right of Kings. Kings, according to this doctrine, were under an obligation to govern in the interests of their subjects but their responsibility was only to God and their subjects' duty was unqualified obedience, even if they governed badly, for kings held their power directly from God. This theory, in its practical development, necessarily became entangled in arguments about the legitimacy of particular monarchs. For the king to affirm his divine right it was necessary to establish his title to be verily God's anointed.[22]

---

[19] Interestingly, in contrast to Calvin's own aristocratic bent, the political theory of Calvin's *Institute* (1536) was decidedly different, in this respect, from that which animated the Scottish Calvinists under Knox or indeed the English Calvinists in the struggle between king and parliament in the mid-seventeenth century in Britain.

[20] This idea most probably relates to Thomas Erastus, a Swiss theologian, (1524 – 83), who denied the church the right to inflict excommunication disciplinary penalties on individuals and insisted that church authority should be subordinate to the state.

[21] See Robert Bellarmine (1542 – 1621), Juan de Mariana (1536 – 1624) and Francisco Suarez (1548 – 1617), the outstanding Jesuit writers of the time

[22] The best known seventeenth century holders of the doctrine were, in France, Bossuet and in Great Britain, Sir Robert Filmer (died 1653), who laid himself open to Locke's devastating answer in his first *Treatise on Civil Government* (1690).

JEAN BODIN

Formidable, as a contribution to the theory of the secular state, was Jean Bodin's (1530–1596) work.[23] He was the first to lay down, in categorical terms, a theory of state sovereignty, which was subsequently elaborated upon by Hobbes, Locke and Bousset, and in the modern period by Austin.

Bodin was a strong upholder of royal power and he believed that societies could never be well governed except where the government process was vested in the hands of a single person. He defined sovereignty as necessarily absolute, unlimited and indivisible. For him, where there was a king, parliaments and other bodies could have no more than advisory functions, which were not compelling upon the monarch, and subjects were regarded as bound by unqualified obedience. Although, for him, the monarch was sovereign, he argued that there are certain principles of society (*leges imperii*) by which the sovereign must abide because they form, in effect, parts of the whole of which sovereignty itself is part. He saw the monarch as being a necessary element in human society, although the institutions which upheld his position were not for changing, for they were indeed a creator of those conditions which afforded the monarch his sovereignty.

Despite his shortcomings, Bodin was a political thinker of great eminence and laid stress on both philosophical and historical methods in political theory, and, anticipating Montesquieu, originated a theory of toleration as part of his theory of the sovereign state. He fostered the premise that the absolute sovereign would accept and tolerate religious differences and, by so doing, contributed to a practical theory of toleration within a secular sovereign state.

FEDERALISM

Directly following Bodin, in terms of the development of European political theory, was Johannes Althusius (1557–1638), whose *Politica Methodice Digesta* (1603) fostered the concept of Federalism. Althusius did not see the state as a source of unlimited authority but as a structure, superimposed on the smaller social structures of family, province, town and the like, each with its own more local authority. The establishment of the state, above all of these other governmental units, does not destroy or supersede the rights and powers of the smaller communes. It merely supplements them with the powers needed for its own more extensive, albeit limited, sphere of action. Althusius stressed the contractual nature of human society based on the view of a basic social contract among all the citizens, within the given collectivity.

Althusius found society not as artificially created by any given contract as later did Hobbes, but as essentially natural to man, as this naturalness was a fundamental quality of man's nature itself. The idea of this contract bases a clear assertion of a popular sovereignty (regarding the power of the whole people to formulate what was to become known as the social contract) as inalienable and vested not in men as isolated individuals but in their families and lesser social groupings, as groups of collectivities, up through and including the state itself.

HUGO GROTIUS

Hugo Grotius (1583–1645) was of this mind and produced *De Jure Belli ac Pacis*, appearing in 1625, which marks the beginning of modern European international law. His purpose was to assert (in the face of Machiavellian doctrines which denied states and rulers the idea that they were bound in their dealings with others by any moral principle) the supremacy and universal validity of natural law. Grotius's assertion for the supremacy of natural law, goes back to the Stoics, who presented it as a law of reason binding upon God as well as upon man. This law, the natural law, they held, embodied principles undeniable by any reasonable man of justice, and principles that were the foundation of an international law fully binding on states in war as well as in peace.

This was Grotius's single, greatest contribution to the development of modern European political theory. He employed mathematical reasoning in his considerations and elevated them out of the realms of mere speculation. Anticipating Spinoza, his exactness influenced Hobbes. He desired to bring political theory within the realms of scientific demonstration. Following on from this thinking, the belief in the possibility of a political and legal science possessing the same absolute character as mathematics, was taken still further by Samuel von Pufendorf (1632–1694), the successor of Grotius's thinking, and it was later to become the formation of international law.[24]

---

[23] *Les Six Livres de la République* (1576)

POST-MEDIAEVAL PERIOD: CHALLENGES TO THE KING

In the post-mediaeval period, the already established foundation was made firm by a plethora of other writers including Richard Hooker (*The Laws of Ecclesiastical Polity*, 1594–1597), Sir Thomas More's *Utopia*, (1516)[25] and *City of the Sun* by Tomasso Campanella (1568–1639). Hooker's writing, affirmed the natural sociability of man and saw no reason to seek an artificial origin for society, which he conceived as resting on necessity arising out of the very nature of man. The significance of Hooker's doctrine lies in his insistence on the essential unity of church and state as elements in a single society and not as two potentially conflicting powers whose claims (always at odds) required reconciliation. Hooker was an apologist of the English Reformation, which made the king the temporal head of a national church as well as of a national state. This situation regarded the church as broad-enough-based to include all Christians.[26] Hooker's national reconciliation attempt failed and the mid 17th century civil war led to the formation of sharply opposed political doctrines.

Exactly at the time when men started to challenge royal authority, James I asserted the royal power tactlessly, provoking the famous contest with chief justice, Sir Edward Coke (1552–1634), who asserted against James the theory, not of parliamentary government, but of the final sovereignty of the common law as interpreted by the judges and as embodied by the distilled wisdom and tradition of ages. Coke's view saw the king not interfering with the law courts; and the judges, as interpreters of the common law, able to disallow any act of either the king or a parliament.

Francis Bacon (1561–1626), Coke's antagonist, was an upholder of the regal power, only stopping short of the theory of royal absolutism and of divine right of the king. For Bacon, as much as for Coke, the king's power had limits but Bacon wanted a strong monarchy and did not accept the absolutism of the common law.

Reporting the concept of refuting a claim to absolutism was the Puritan movement of the mid 17th century, the chief of which was Milton (1608–1674). He claimed, in his work, *Tenure of Kings and Magistrates*, that the ruler's rule was only derivative and that the final sovereignty rested in the people. In Milton's earlier work, he saw no inconsistency between his conception of popular sovereignty and the rule of the good. However, due to disillusionment at the end of the Commonwealth, he took up the position that as soon as it was felt that most men are bad or, at best, feeble and irreverent to God's causes there emerges, by necessity, a concept of the rule of the saints. This harks back to Calvin's theoretical oligarchy, a position he took despite being originally a firm believer in the value of free discussion and of religious liberty.[27]

---

[24] Huig van Groot (known as Grotius), after completing his study at Leiden, accompanied an embassy to France. On returning, he practised law in The Hague and was given a government appointment in Rotterdam. The religious disputes in his homeland between the Remonstrants, or Arminians and their opponents were, during his lifetime, at their height. Grotius supported the Remonstrants. His support was sufficient grounds to arrest and try him under Prince Maurice and he was imprisoned for life. Escaping and finding refuge in Paris in 1621, where Louis XIII gave him a pension, he wrote *De Jure Belli et Pacis*. The book rapidly became the standard work in international law. In 1634 he entered the Swedish service as ambassador at the French Court. Upon his retirement, he proceeded to Stockholm and then, late in his life, returning to Holland, became ill and died in 1645. Grotius was an able statesman, a profound theologian, a distinguished scholar and an acute philosopher. He was also a judicious historian and a splendid jurist, more so than any other man of this period. He created the foundation of the European conceptualisation of international law.

[25] Although More's *Utopia* can hardly be said to have embodied a political theory, it was an account (in a manner much influenced by Plato) of an ideal and largely Communistic society; a utopia conceived in reaction to the growing commercialisation and exploitation of his time. It set the idea of the state and community as existing for the production of good citizens for the furtherance of the good life. Although not framing a specific theory, *Utopia* is a great work of humanism and stands, much as does Campanella's work, outside the mainstream of the development of political theory, but definitely contributes to the idea of the end result.

[26] Excepting, of course, those who excluded themselves by their own contumacy, Papists by asserting a papal supremacy and Calvinists by rejecting the temporal headship of the church.

There was in Milton's time a great clash of opinions, a clash of conflicting thinking which can best be appreciated perhaps in the army debates contained in the *Clark Papers* (*Camden Society*, or in the edition entitled *Puritanism and Liberty* by Woodhouse). Here we find the Puritan left wing, standing both for a principle of equal human and political rights for all men (extended by some to cover economic and social equality as well) and for the ultimate supremacy of private conscience over all authority in church or state matters. This position was challenged by many including Cromwell, who pointed out that there is no general acceptable way of distinguishing private revelation from privileged judgement.

Gerrard Winstanley's (1609–1676) *Law of Freedom* (1652) contributed a doctrine of egalitarian communism based on common ownership of the land, compulsory labour and common enjoyment according to the needs of the fruits of nature and of human industry. Winstanley is the first theorist who strikes the note of a socialism or communism to be achieved by the actions of the common people. He was not alone. James Harrington's (1611–1677) *Oceana* (1656) was essentially the first book, which clearly asserted a correlation between the form of government and the distribution of property and posited a republican utopia embodying a remarkable interpretation of the Civil War and times including the underlying economic factors. He regarded the Civil War as the necessary outcome of change, which had placed not only mercantile wealth but also a large part of landed property into the hands of the middle class and had thus rendered an inevitable redistribution of political power in their favour. He called for a state with a broader distribution of power, resting on a diffusion of property and giving constitutional form in an 'equal commonwealth' of property owners.

In sharp contrast to this thinking was that of Thomas Hobbes (1588–1679), whose chief work *Leviathan* (1651), took an approach to politics dominated by the opinion that what was required was, above all else, order—an orderly framework within which man could hope to avoid misery. He was a materialist and in his writings attempted to reduce all knowledge to terms of mathematical demonstration. Hobbes' universe was one of omnipresent necessity and causation. He posited the notion of an abstract state of nature in which no society existed, assuming each individual in such a state to be motivated by purely egoistic motives, and concluded that it would leave the lives of men intolerably wretched and insecure.[28] Accordingly, for egoistic reasons, men would wish to escape from this state of nature. Society, as he saw it, was the product of this attempted escape. The product took the form of a contract by which all transferred their natural rights to a single sovereign. What made Hobbes' concept of society work was the way it denied the naturalness of complete egoism, which created a natural chaotic state. Hobbes social theory was immensely influential to Europeans as it appeared to explain the state scientifically, and because its purely utilitarian explanation in terms of human nature appeared to sweep away a great deal of metaphysical nonsense. Algernon Sidney's *Discourses Concerning Government* (1680–1683) provided an epilogue to the political literature of the 17th century, reasserting the claim of popular sovereignty (that being the right of the people to establish and dissolve governments) and the virtues of elections as the way of choosing the best man to govern.

JOHN LOCKE

It was at this stage that creation of political theory was put in the hands of John Locke (1632–1704). Locke's two principle essays, 1) *On Civil Government*

---

[27] A doctrine, which he expounded in *Areopagitica* (1644). He cannot be characterised as standing for any specific party amongst the Puritans

[28] "Poor, solitary, nasty, brutish and short"

(1690) and 2) *Letters on Toleration* (1689–1692), form both the defence of the principles of the English Revolution of 1688 and a plea for a broadly based system of live-and-let-live within which men can settle down after the turmoil of civil war. Locke owed much of his thinking to Hooker and to Hobbes but was unique and much of the synthesis he made by himself. Locke's conception of government is almost as secular as was Hobbes' but he believed, as did Hooker, that society is natural to man and not as did Hobbes that the overthrow of a government carries with it a dissolution of the social bond. For Locke, society existed by virtue of an implied social contract arising out of man's very nature. Governments had authority derived from the consent of the people in whom final sovereignty resided but the right of rebellion resided not in the individual so much as in the outraged common sense of the people in the collective. Correspondingly, Locke's notion of popular sovereignty does not involve any necessity for democratic government, but is fully consistent with monarchy or aristocracy. Of specific importance, he regarded property as an extension of personality and therefore mainly belonging to the realm of private affairs. He most certainly held the right to property to be based on a man's exchanging his labour for things so as to appropriate them for himself, but extended the right to what a man could appropriate by means of the labour of his servant as well as of himself, and recognised the right of inheritance. His doctrine of property robbed his thinking of any democratic character. Indeed, his political and economic theories became the received doctrine of English society in the 18th century and were felt to be fully consistent with its aristocratic or oligarchic character. There were modest elements of individualism in his thinking, associated at the time, with the rising importance of private commerce and industry.

In opposition to the popularity of Lockean theory and philosophy, Henry Bolingbroke[29] invoked the idea of a king governing, not by divine right or absolute authority, but as the chosen leader of the people. Bolingbroke's political theory rested entirely on utilitarian foundations and he upheld monarchy as the alternative to the oligarchy of the great.[30] Bolingbroke took the idea of a mixed constitution, which emphasised democratic and monarchical elements and which was fine-tuned by Sir William Blackstone's *Commentaries on the Laws of England* (1765–1769) in the post-Jacobite era. Blackstone's theory rested on the assertion of the validity of natural law as providing a universal foundation for the municipal laws of particular states, and exalted the notion of a balance of forces into one principle of unified good government. [31]

While French philosophy worked upon the minds of Continentals, creating a general political opinion, which deeply influenced the Revolutions, first in America and later in France, English political speculation followed its own specific course, not necessarily and directly influenced by French ideas, but one that helped to shape them in a different way. David Hume, (1711–1776) and Jeremy Bentham, (1748–1832), were the luminaries of this period. Hume effectively attacked divine right and Locke's doctrine of contract and consent contending that actual governments owed their origin, not to contract, but to conquest or usurpation and asserting that the foundation of government was the common sentiment of the people alone. This sentiment differed from consent as not implying approval but only acquiescence based mainly on custom.

ON THE CONTINENT WITH THE FRENCH

On the Continent at this time, particularly in France (specifically Montesquieu (1689–1755) with his *Esprit des lios*, 1748), a new movement of political speculation arose. Although more sociological than merely political, Montesquieu's writings demonstrated a strong belief that social, economic and political institutions are intimately connected and are also greatly influenced by climactic and other natural conditions. In his writing he was developing reasoning for a purely relativist conclusion about politics.

---

[29] Major work—*Idea of a Patriot King* (1738)

[30] Whig families of the time, who consolidated their power on the basis of the Revolution of 1688, took the alternative position to Bolingbroke's utilitarian foundation. Although of little importance directly, Bolingbroke's ideas very poignantly reappeared in the nineteenth century and are seen in (amongst others) the early writings of Benjamin Disraeli. They served as the foundation for the philosophy, which became known as 'Young England', a movement most popular towards the middle of the nineteenth century.

[31] This was the doctrine assumed by the young Jeremy Bentham and assailed in his *Fragment on Government* (1776).

A relativism which ran parallel with the belief in certain abiding values, determined the standards to which a good political system must indubitably conform. The chief amongst these values is that of liberty, which Montesquieu conceives as depending on the existence of effective checks on absolute government. He posited a separation of powers to implement these checks. Montesquieu's insistence on the separation of powers as an essential safeguard of liberty, exerted a powerful effect on the framers of the American Constitution after the Declaration of Independence (1776).

Voltaire, (1694–1778) took the next basic step in the development of European political theory. In his writings, Voltaire framed a philosophy of history as a history of the human spirit, working itself out by the application of reason to human affairs, acting as an incisive critic, with a deep faith in liberty and free discussion. Voltaire, in volumes, created the fertile ground for modern political European thinking.

Helvétius (*De l'Espirit*, 1758) had distinct revolutionary influence, using that fertile ground for European change. Helvétius was not the first to formulate the essential doctrine of utilitarianism, with its insistence on a pleasure/pain psychology as the guiding principle of human conduct, and on 'the greatest happiness to the greatest number' as the essential precept of sound political expediency. His doctrine had been put forth earlier by English writers, notably in part by Francis Hutcheson and more fully by John Grey, but in the current political climate within continental Europe, he became a devastating critic of the established regime of autocracy, and in conjunction with Voltaire's detestation of cruelty, a powerful instrument of both political and legal reform. Helvétius's *De l'Espirit* influenced other writers in the field of crime and punishment, and provided a distinct element in the drive towards the destruction of the ancien régime in France, and towards the growth of a philosophical radicalism which rapidly swept over all of Europe, and reverberated back into England through the writings of Jeremy Bentham.

In France, at this time, political thought was also being put forward by the physiocrats (or économistes) and the writers akin to them, such as Turgot and Rousseau. The physiocrats, who were far from having any inclinations towards the removal of the ancien régime, provided doctrines attempting to lay bare the precepts of a natural order to which they encouraged the rulers of France to conform. They advanced the idea of economic changes but not political changes. Sweepingly, they held that all wealth came from land, to which God alone yielded a net product of man's labours, and that accordingly all taxation, wherever imposed, must fall finally upon this product. This being their premise, all forms of government regulation of industry and commerce were attacked. An argument was made for optimum freedom of enterprise in converting the net product into finished produce, useful for the consumption of man. This was the basis of their advocacy of laissez-faire or economic liberalism. These were the ideas which largely inspired Adam Smith when visiting Paris and Versailles as tutor to the young Duke of Buccleuch, just prior to the French Revolution.

JEAN-JACQUES ROUSSEAU

These ideas were reinforced by d'Holbach's forthright attacks on despotic government.[32] D'Holbach asserted that men had a bad attitude, mainly because they were badly governed and that the remedy lay in a government based on the middle class, the enlightened element in society, pledged to the pursuit of liberty and to leaving men free to pursue their own good with the minimum of interference. Jean-Jacques Rousseau (1712–1778) added to this—by both boldness in reach and by his political speculations; acting initially as a mere denouncer of the corruptions of civilised society, and advocating a return to nature, but developing speedily into a defender of the social bond. He sought to formulate a set of political principles capable of reconciling political obligation with man's intuitive need for human freedom—"Man is born free, but everywhere he is in chains". The famous words are found in the beginning of his *Social Contract* (1762) in which he went on to explain, that under the right form of society, these chains could in truth leave men as free as before and capable of an even higher freedom—an astoundingly, pragmatically correct, psychological assertion.

---

[32] *Système Sociale* (1774)

Rousseau's political speculations derive, in part, from elements first constructed by Grotius, Hobbes and Locke. He used, simultaneously, the familiar ideas of social contract and sovereignty, combined with a new, strongly potent concept of the general will. He saw human society as a social contract, for reasons of convenience and security, creating a social bond. He posits that in every association of humans there is a *moi commun*, a common personality with a collective will. This, he suggests, is the case in all kinds of associations.

All of these collective wills are particular in relation to the higher general will that exists in the community as a whole. The general will is distinguished from the will of all, as well as from particular wills, as standing for the good of the whole. It is the element in each man's will that looks to the good of the nature of the entire society. In a well ordered society, this general will, in the absence of ill-balanced particular collective wills based on privilege or sectional interests, will prevail, wherever all the citizens can meet, debate freely and decide about their common affairs. However, to determine this requires smaller collectivities, and Rousseau was a believer of the city-state as the best type of society and as the only type capable of real freedom.

Sovereignty, for Rousseau, resides in the whole body of the citizens, on the basis of the social contract among them, finding expression in the general will. He sharply distinguished sovereignty from government, which he regards as merely an executive magistracy for carrying out the people's sovereign will. Legislation is the attribute of the people themselves, assembled together. Governments, according to this thinking, including all forms of representative institutions, have only derivative powers. Given the position of the individual in the collectivity, Rousseau placed great stress on the role of education in society generating good citizens, and also the church, with the bare minimum of controversial theology, acting as the state's instrument for indoctrinating the citizens with the essential social principals and with sound moral notions. For him, religion is, in effect, a civil religion and in his thinking, the church becomes a subordinate organ of the sovereign-state.

Rousseau further stressed the evils of economic as well as social inequality and stood for a society based on simple living according to nature, though not in any form of communism or public ownership of property. His writing is not nationalist; however his writings do tend to lean very readily to a nationalist interpretation. His concepts of sovereignty, as residing in the whole body of citizens, can be easily misconstrued and reinstated to suit the conditions of a large state, by transferring sovereignty to an electoral nationalist assembly held to represent all the citizens.

Rousseau thought in terms of states but preferably, in very small states. Although this position has been construed from his writing it was not his intention for, in his view, all representative bodies belong to the sphere of government, which he sharply distinguishes from that of sovereignty. In practical terms, this distinction is not applicable to large states, in which it is out of the question for all of the citizens to assemble together. The leaders of the French Revolution, who had imbibed Rousseau's thought, had either to treat it as inapplicable to their situation or substitute for this kind of direct popular sovereignty, the sovereignty of a representative body.

Rousseau's doctrine became exceptionally totalitarian. The supremacy of the general will, as expressed by a representative national assembly over all particular wills, involves an attitude highly unfavourable, to both minorities and all forms of local or functional associations. Rousseau, in his opus *Social Contract*, took government one step further