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The Place of Democracy in Late Stuart England

Hannah Dawson

I

On the face of it, it is methodologically odd to ask whether there were any democrats in late Stuart England. Of three leading revolutionary polemicists of the period, neither Henry Neville, nor Algernon Sidney, nor John Locke identified themselves as such. Indeed, in various ways they positively distanced themselves from the appellation. To look, therefore, for democracy in their writing risks being deeply ahistorical, retrojecting our concerns onto them and thereby eclipsing their own. It risks putting abstract theoretical taxonomies above historical reality, and making castles in the air that bear no relation to what these authors thought they were doing. And if one were to look, and then to find, democracy in their writing, one would hazard not only anachronism, but also a high-handed, arguably incoherent, epistemology. It would amount to our saying: they did not know that they were democrats, but they were. Or it might amount to a Straussian reading: they *did* know that they were democrats, but they had to hide the fact.

It was the case, however, that these three authors wrote in fear, or danger, for their lives. Neville had been imprisoned in the Tower after the Restoration in 1663 for his intense participation in and defence of the Commonwealth. Locke, on Shaftesbury's side in the Exclusion crisis and anxious about being associated with the Rye House plotters, fled to the Netherlands in 1683, and only, and then anonymously, published his *Two Treatises of Government* in 1689. Sidney was executed for treason on Tower Hill in 1683. One has to take seriously the possibility that they toned themselves down, that they were walking a vertiginous tightrope between what they wanted to say and what they thought they could get away with. Words are deeds, as they knew so well, and it would not be surprising if they stepped gingerly around the highly and negatively charged term 'democracy'. It would have been both personally dangerous and rhetorically unwise to mobilise this dirty term in the war (of words) they were fighting. Moreover, the fact that they felt the need, explicitly and energetically, to dissociate themselves from the term raises the real possibility – on a psychoanalytic as well as a communicative plane – that they were protesting too much. That is, not only did they fear that they would have been perceived as democrats *in their own time*, but also that at some level they understood their proximity to, if not consummate embrace of, the concept of democracy.

This possibility raises the further, albeit related, question of whether one can be said to possess a concept without the corresponding term. Specifically, might late Stuart revolutionaries be said to have believed in something at least akin to what we think of as essential to the concept of 'democracy', even if they did not call it that? This question is debatable. For a start, there is the objection that concepts and (which might be the same thing) meanings of words themselves change over time, so

that what we mean by ‘democracy’ is different to what speakers in the late seventeenth-century would have meant. This threatens to blow the whole project out of the water; it makes one wonder what on earth we are looking for when we are looking for ‘the concept’ of ‘democracy’. There is no essence of a concept; there is only language in use. Furthermore, since language is at least as constitutive of thought as it is reflective of it, it is hard to grasp how one might conceive of something as conceptually complex and precise as democracy in the absence of the linguistic structure in which it is enmeshed.

Nonetheless, I am going to argue that there was (and is) something basic to the concept of democracy, strongly indicated in its etymology, to which these three writers were drawn. This is the idea of the rule of the people, the idea that the people should in some sense govern themselves. I do not mean thereby to ignore the doubts about anachronism, intentionality, and conceptual change that I have expressed above, far from it. Indeed, I hope precisely to bring out the ambivalence and historical specificity of their interventions. My argument is that these writers were engaging, often with frenetic self-awareness, with the idea of self-government, both in sympathy and anxiety. They felt both pulled and repelled by the prospect of democracy, and in the process stamped their own particular imprints on the concept. This chapter will bring out the conflicted character of their impressions.

In many regards, these writers held wildly different views from one another. I treat them as a group, however, insofar as the three texts on which I am going to focus – Neville’s *Plato Redivivus*, written 1679-80, Sidney’s *Discourses concerning Government*, written 1681-3, and Locke’s *Two Treatises*, written c. 1681-2 – were broadly contemporaneous, written in response to the same practical context, and each a volley against, among other things, the absolute and arbitrary monarchy of Charles II. They were writing, in at least one incontrovertible sense, in the same language, explicitly on behalf and in defence of ‘the people’.

This chapter will twist and turn in a series of manoeuvres that I hope I have already begun to justify above. I begin by witnessing these writers self-consciously shield themselves from the charge of ‘democrat’. I then propose three ways in which their views are nonetheless consistent with ideas that might be thought core to the concept of democracy, namely: their belief that the origins and limits of political power lie ultimately with the people; their commitment to popular representation in government; and their thought that what the government ought to do is serve the people’s will and interest, irrespective of its moral content. Having laid out these writers’ democratic principles, I proceed to argue in a contrary direction that for all their flirtation with the popular *will*, in the end this is trumped by the public *good*. This appears to wrench our authors away from Pericles and back to Plato. The argument is not over yet, however. There is, it seems to me, a bracing combination of realism and scepticism that returns our authors, albeit in different moods, to something like

democracy. I conclude by revisiting the methodological territory with which I began. The complexity and specificity of our authors' engagement with – for want of a better word – 'democracy' demonstrates not only the gulf that separates them from ancient Athens, but also the radical historicity and indeterminacy of concepts *per se* (if that is not a contradiction in terms).

II

Revolutionaries in early 1680s England trod circumspectly around the term 'democracy' as if it might explode. With much ostentation, Sidney avers that 'a pure Democracy can never be good'.¹ By 'pure Democracy', he means that state 'where the People in themselves, and by themselves, perform all that belongs to Government'.² He is, as he is throughout the *Discourses*, countering Robert Filmer's *Patriarcha*, a text completed in 1631, but repurposed (and published for the first time) in 1680 to support Charles II in the Exclusion crisis.³ At the point when we find Sidney distancing himself from 'pure Democracy', he is staving off Filmer's claim – supposedly via Xenophon – that Athens and Rome were 'places where the best Men thriv'd worst, and the worst best'.⁴ That is, a democracy, runs the accusation, is a place where the mob, who are no better than beasts, run wild. Of this depravity Sidney desperately wants to wash his hands. At one point he admits that 'pure Democracy' could be good in 'a small town', but only there.⁵ Elsewhere, he insists that it is a fantasy. 'I know of no such thing', he pronounces with a jarring certainty, going on to declare, 'and if it be in the World, [I] have nothing to say for it'.⁶ One can almost see him putting his hands over his mouth. He seems to have displaced himself entirely from the term. Interestingly, though, it bubbles up recurrently throughout his text.

Locke hints at the explosiveness of the term when, also in full throttle against Robert Filmer's patriarchalism in his (Locke's) *First Treatise*, he throws the dreaded accusation of 'Democracy' at Filmer. All the farcically myriad ways in which 'Fatherhood' might, on Locke's account of Filmer, 'come into any hands' – for example, by election as well as by heredity, and even (apparently) by usurpation – issue in the unwelcome result that 'his Politicks give to Democracy Royal Authority'.⁷ When it comes to nailing his own colours to the mast, now in the *Second Treatise*, Locke picks his way cautiously around 'a perfect *Democracy*', that is, that form of government wherein 'the Majority

¹ Algernon Sidney, *Discourses Concerning Government* (London, 1698), p. 138.

² *Ibid.*, p. 149.

³ See Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch: Patriarchalism in Seventeenth-Century Political Thought* (Manchester: Manchester University Press, 2012).

⁴ Sidney, *Discourses*, p. 138.

⁵ *Ibid.*, p. 138.

⁶ *Ibid.*, p. 149.

⁷ John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), p. 194.

... imploy all that power [of the community] in making laws for the Community from time to time, and Executing those Laws by Officers of their own appointing'.⁸ A 'Common-wealth', he goes on purposively, is 'not a Democracy'. Rather, it is simply '*any Independent Community*'.⁹ Like Hobbes, then, he is separating a (legitimate) state from any specific form of government.¹⁰ While Hobbes did not need to worry on this score, Locke felt he had to take care to emphasise that his preferred form was not (necessarily) democratic.¹¹ These three citations are the only explicit mentions of the term in the entire *Two Treatises*.

Neville makes it clear that 'Commonwealth' might, in fact, be synonymous with 'Democracy'. Of course, when the monarchy and House of Lords were abolished in 1649, it was 'a Commonwealth' that England was declared to be. During that extraordinary period when constitutional opportunity was cracked wide open, democracy was openly called for, and it is likely that it was Neville who wrote or promoted the arrestingly entitled *A Proposition in Order to the Proposing of a Commonwealth or Democracie*, a broadside published on 14 June 1659 in support of Neville's friend James Harrington's 'Propositions for settling the Government of this Commonwealth'.¹² The synonymy recurs in *Plato Redivivus*, although the sympathy is now veiled behind the swathes of voices of the dialogic form, the author strategically decentred by the Noble Venetian, the Doctor, and the English Gentleman, Neville ostensibly hiding behind the albeit huffing and puffing, never settled, continually undermined, monarchism of the latter, while the Noble Venetian is allowed to unfurl his serene republic. The Doctor, picking up overtly on the English Gentleman's prevarication, interjects 'I begin to smell, that you would be nibbling at the pretence which some had before His Majesties Restauration of a Commonwealth or *Democracy*'.¹³ The English Gentleman rushes at the prosecution with denial, but almost immediately destabilises his position. 'No, I abhor the thoughts of wishing, much less endeavouring any such thing, during these Circumstances we are now in; That is, under

⁸ Ibid., p. 354.

⁹ Ibid., p. 355.

¹⁰ Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1996), pp. 129-31.

¹¹ See the interchange between Kinch Hoekstra and Richard Tuck in Annabel Brett, James Tully and Holly Hamilton-Bleakley (eds), *Rethinking the Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 2010), pp. 171-218. Cf. Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2016).

¹² *Oxford Dictionary of National Biography*, entry for 'Neville, Henry'. Cf. Rachel Foxley, *The Levellers: Radical Political Thought in the English Revolution* (Manchester: Manchester University Press, 2013).

¹³ Henry Neville, *Plato Redivivus: Or, A Dialogue Concerning Government, Wherein, by Observations drawn from other Kingdoms and States both Ancient and Modern, an Endeavour is used to discover the present Politick Distemper of our own, with the causes, and remedies* (London, 1681), p. 209.

Oaths of Obedience to a Lawful King'.¹⁴ Practicality, then, emerges as a bigger block to democracy than its (un)desirability, but the energy of the sentence is clear: renunciation.

III

Even so, I will now lay out three beliefs that all three authors express that seem to add up to a robust democratic agenda. The first of these beliefs is that political power derives from, and is ultimately limited by, the people. For all of Locke's silence on the term 'democracy', he is explicit that political power lies with the people. Indeed, Locke's concept of the people is political all the way down. Unlike other contractarian philosophers, such as Hobbes, who see the political sphere only come into being in the context of the state, Locke believes that the people are naturally political. That is, they all, insofar as they are rational creatures subject to the law of nature, have the right to execute the law of nature, which is to preserve mankind.¹⁵ This right is nothing less than Locke's definition of 'Political Power', which as Locke says, 'every Man' possesses 'in the state of Nature'.¹⁶ Since, for Locke, individuals cannot effectively exercise this right in the state of nature, being at once too partial towards their own cause, and too weak in their own person, they must delegate it to the community as a whole, and thence to government.¹⁷ But in a deep, inalienable sense, it belongs to them, and it is circumscribed by the obligation to care for them.

Coming at the people's ownership of political power from an overlapping perspective, Locke also points to the freedom of the people in a different sense, employing a negative concept in parallel with his normative one. The right to preserve mankind, which is an emanation of one's duty to God, is accompanied by, or runs together with, the freedom from subordination to another person.¹⁸ This means that people, and then 'the people', can only find themselves under legitimate human rule if they choose it. A rightful government, that is, 'has its Original only from Compact and Agreement, and the mutual Consent of those who make up the Community'.¹⁹ Moreover, Locke stipulates that the people's agreement must be 'express'; it is not enough to take acquiescence as a tacit sign of consent as Hobbes had argued. Rather, the sole means whereby one might become a 'Subject', and 'Member of any Commonwealth' is by 'actually entering into it by positive Engagement, and express

¹⁴ Ibid., p. 209. Cf. Gaby Mahlberg, *Henry Neville and English Republican Culture in the Seventeenth Century: Dreaming of Another Game* (Manchester: Manchester University Press, 2009).

¹⁵ Locke, *Two Treatises*, p. 271.

¹⁶ Ibid., p. 381.

¹⁷ Ibid., pp. 351, 332, 281.

¹⁸ See Hannah Dawson, 'Natural Religion: Pufendorf and Locke on the Edge of Freedom and Reason', in Quentin Skinner and Martin van Gelderen (eds), *Freedom and the Construction of Europe*, 2 vols. (Cambridge: Cambridge University Press, 2013), vol. I, pp. 115-33.

¹⁹ Locke, *Two Treatises*, p. 383.

Promise and Compact'.²⁰ 'Every Man', as Locke declares, being 'naturally free ... nothing' can 'put him into subjection to any Earthly Power, but only his own Consent'.²¹ And by the same token, they may remove that earthly power if it breaches the terms of the agreement. Government only ever has, as Locke calls it, 'a Fiduciary Power to act for certain ends'.²² The people entrust power to their rulers; in the event of a breach of trust back flows the power. With regard, then, to the balance between the people and their government, 'there remains', declares Locke, 'in the people a Supream Power'.²³ This sounds, therefore, like a political theory grounded ultimately and unequivocally on self-government and people's power.

Before I proceed, I must interrupt my argument by noting the grating sound of Locke's gendered language. 'Every man', we hear, possesses political power. 'Every man' may choose his government, and dispatch it if he pleases. What about women? Are they included in 'mankind', as the charitable interpretation goes? Locke does not spell it out at this juncture; the question does not occur to him, but the likely and implied answer is no. As he explains in his account of 'Conjugal' (as opposed to 'Political') society, the wife is subsumed under the person of her husband. Since they have distinct minds, and as Locke says, will therefore 'unavoidably sometimes have different wills too', one of them must have 'the last Determination, i.e. the Rule'.²⁴ 'It naturally', concludes Locke, 'falls to the Man's share, as the abler and the stronger'.²⁵ While political society is animated by choice, on the basis of equality, marriage is organised according to the natural hierarchy between the sexes. As Aristotle, a believer in equality among equals, had suggested that if there were a person superior to others in excellence he should be a king to those people, so Locke appeals to nature to justify the variety of social structures.²⁶ Locke's account of a wife's subordination to her husband is in line with the common law doctrine of coverture, according to which a wife's juridical identity was assimilated into her husband's, and all her property became his, including any gifts he might give her.²⁷ Locke is not talking about single women, who in England at the time could function like men economically.²⁸ However, even in the 1650s, when the relations between human beings were most radically levelled

²⁰ Ibid., p. 349. See John Dunn, 'Consent in the Political Theory of John Locke', *The Historical Journal*, 10:2 (1967), pp. 153-82. Cf. Edward Vallance, *Revolutionary England and the National Covenant: State oaths, Protestantism and the political nation, 1553-1682* (Martlesham, Suffolk: Boydell & Brewer, 2005).

²¹ Locke, *Two Treatises*, p. 347.

²² Ibid., p. 367.

²³ Ibid., p. 367.

²⁴ Ibid., p. 321. See Carole Pateman, *The Sexual Contract* (Stanford, California: Stanford University Press, 1988) on women's exclusion from, and subordination within, the social contract.

²⁵ Locke, *Two Treatises*, p. 321.

²⁶ Aristotle, *The Politics* in *The Politics and The Constitution of Athens*, ed. Stephen Everson (Cambridge: Cambridge University Press, 1996), pp. 81-3.

²⁷ Laura Gowing, *Gender Relations in Early Modern England* (Harlow: Pearson, 2012), pp. 45, 131.

²⁸ Ibid., p. 46.

in the imagination, no one proposed that men and women might be equal politically. While ‘the people’ it behove government to serve might include women, albeit in a subordinate way, women were excluded from ‘the people’ whose right it was to select and deselect the government.

With this omission in mind, which immediately bleaches the deepest shades of democratic discourse, I return to the rhetoric of self-government. Sidney had already made it clear in his *Court Maxims*, written in exile in the mid-1660s, that it is fundamentally the people who create and control government, which is why they have every right to get rid of it. The only possible rationale, explains Eunomius, why people would choose to be ruled by a king, would be, as he says, to ‘take off all their burdens’. If, then, they find themselves disadvantaged by their choice, then they may ‘repent of their choice and endeavour to unmake what they have made’.²⁹ Sidney reiterates the point in the *Discourses*, again with an eye to revolution. Kings only exist for the ‘good’ of the ruled. They are ‘made by and for the People’.³⁰ This is why, for Sidney – and here we see him pushing back at the boundaries of language, sidling into the semantic field of ‘democracy’ – one might go so far as to call ‘Monarchies’ nothing other than ‘Popular Governments’, since ‘the Power is conferr’d ... by the free consent of a willing People’.³¹ Here, then, is democracy in monarchy. Playing again with the terminology, wanting to inject popular sovereignty into politics across the board, Sidney also turns his bombastic talents to the concept of a ‘Commonwealth’ – a term that as we have seen was used synonymously with ‘democracy’ as well as being the name, still doubtless resonant for Sidney’s readers, given to England’s post-regicide republic. Sidney insists that ‘all the Regular Kingdoms in the World are Commonwealths’ insofar as they are grounded on ‘general consent’.³² ‘All just Governments’ insists Sidney are grounded on the consent of all the people.³³

Though Neville does not spell out the revolutionary implications as unambiguously as Locke and Sidney, he too is clear that the origins of governments lie in the people’s choice. First, they consented not to interfere with the property of other people. Then, they consented ‘to Laws, and a Government’ to protect that property.³⁴ And again, the extent of political power is constrained by the intention behind that consent. As Neville’s English Gentleman puts it, government ‘was instituted for the good and preservation of the Governed, and not for the Exaltation and Greatness of the Person and Persons appointed to Govern’.³⁵ It would be madness for the people to give up their natural liberty and let

²⁹ Algernon Sidney, *Court Maxims*, ed. Hans W. Blom, Eco Haitzma Mulier and Ronald Janse (Cambridge: Cambridge University Press, 1996), p. 7.

³⁰ Sidney, *Discourses*, p. 7.

³¹ *Ibid.*, p. 149.

³² *Ibid.*, p. 23.

³³ *Ibid.*, p. 23.

³⁴ Neville, *Plato Redivivus*, pp. 29-30.

³⁵ *Ibid.*, p. 30.

someone else control them unless they stood to gain thereby. The English Gentleman elaborates on this popular impetus in the context of ancient Athens. He recalls how the people of Athens ‘flock’d about Solon ... desiring him to take upon him the Government, and be their Prince’, and declared that when they met in their assembly he would be their ‘choice’.³⁶ Solon declined, telling them ‘he would never be a Tyrant’, but would instead forgive the people’s debts.³⁷ His magnanimity bred the same in the aristocracy, or ‘great ones’, whose ‘hearts’ his example had ‘so changed and enlarged’. As a result, they too cancelled the debts owed to them by the people, and asked Solon ‘to make them a New Model of Government, and Laws suitable to a Democracy’.³⁸ Thus was born ‘the Greatest, the Justest, the most Vertuous, Learned and Renowned [City] of all that Age’.³⁹ Democracy appears as the superlative form of government, albeit shrouded in history and the anonymised speech of the English Gentleman. Moreover, it appears as compatible with significant roles for the one and the many. In Neville’s beloved Athens, as in the more general narratives of each of our authors, it is – nominally at least – the bright light of popular sovereignty that shines through the architecture of the commonwealth.

IV

The second arguably democratic belief that our authors articulate is an extension of the first. That is, they fill out their commitment to popular sovereignty with an intense interest in popular representation. Far from paying easy lip service to ‘the people’, they are preoccupied with how precisely the voice of the demos might be heard. They manifest this preoccupation in their careful and minute attention to constitutional arrangements. They do not for the most part, it should be noted, advocate the pure democratic form of government; as we have seen above, they distance themselves from this. Instead, as has also already been intimated, they tend to advocate a mixed, or finely balanced, mutually inhibiting, constitution whereby the interests of the many, as well as the one and the few, might be represented. There are two ways of glossing this democratically: one is if the interest of the many (as opposed to the one and the few) is understood as the distinctly ‘democratic’ element, and the other is if the *combination* of the democratic, aristocratic, and monarchic elements is understood as the interests of people *as a whole*. Insofar as our authors employ the term ‘democracy’, they tend to speak in the former sense, but they are also committed to the latter point. That is to say, government ought to represent in a fine-grained sense the people, both *qua* plebs, and *qua* everyone.

³⁶ Ibid., pp. 54-5.

³⁷ Ibid., p. 55.

³⁸ Ibid., p. 55.

³⁹ Ibid., pp. 55-6.

Sidney and Neville both espouse a mixed constitution. Sidney says that ‘the wisest, best, and far the greatest part of mankind’ who had considered how to design a state had rejected the ‘perfect’ forms of democracy, aristocracy, and monarchy, preferring instead ‘Governments mixed or composed of the three’.⁴⁰ Sidney is not neutral with regard to the mixture, however. The dynamic of the balance flows fast in the direction of democracy. As he says carefully, democracy probably only suits a ‘small Town’, but this does not mean we should ‘run into the other extream’, and then goes on to list a number of exemplary polities with a heavy popular element, ranging from Athens, in which ‘all Judgments concerning matters of the greatest importance, as well as the Election of Magistrates, were referr’d to the People’, to nations in this day, such as Venice, Genoa, and Lucca.⁴¹ It feels as though democracy is Sidney’s default position; it just needs support, rather than stamping out.

Neville casts ‘this harmonious Government of England’ in this tripartite mould. ‘For our Constitution’, says the English Gentleman, his emphasis somewhat desperate, ‘was really a mixture of the three, which are Monarchy, Aristocracy, and Democracy’.⁴² Neville not only draws monarchy into republican territory, but he explicitly refigures mixed constitutionalism as *the definition* of democracy. A ‘Democracy’, he explains, ‘is a Government where the chief part of the Sovereign Power, and the exercise of it, resides in the *People*’. However, when he goes on to describe what this means in more detail, he explains that ‘it doth consist of three fundamental Orders. The Senate proposing, the People resolving, and the Magistrates executing’.⁴³ In a dazzling redefinition of the terms of debate, then, England appears in at least the partial guise of a democracy, and mixed constitutions as essentially democratic.

Not content with the English Gentleman’s wishful refashioning of how England is governed, Neville concludes his text with some constitutionally radical prescriptions for how England ought to be governed. The four powers of the crown – the power of ‘making War and Peace’, the power over ‘the Militia’, the power to appoint officers, and control over public revenue – should be devolved to four corresponding councils. These should operate according to majoritarian principles and be accountable to, and drawn in rotation from, Parliament.⁴⁴ This ‘circulation’, like the circulation of the blood, keeps the body politic healthy, stopping the people from becoming too ‘insolent’.⁴⁵

While Locke does not go down the Harringtonian rebalancing route, he is clear that the centre of constitutional gravity should lie with the people. The legislative, which is the representative body of

⁴⁰ Sidney, *Discourses*, p. 23.

⁴¹ *Ibid.*, pp. 130-1.

⁴² Neville, *Plato Redivivus*, p. 132.

⁴³ *Ibid.*, pp. 45-6.

⁴⁴ *Ibid.*, pp. 237-41.

⁴⁵ *Ibid.*, p. 241.

the people, is the highest power in the commonwealth, and no one is above its law.⁴⁶ It is itself limited by the terms of the trust reposed in it by the people – that is, to protect their lives, liberties and estates. It may not, therefore, for example, take their ‘property’ without their consent.⁴⁷ It is superior to the executive, and separate from it, ensuring that the public good, as opposed to any private or selfish good, is served.⁴⁸ There are structural mechanisms in place, therefore, to guard against that ‘too great a temptation to humane frailty apt to grasp at Power’, and to certify that ‘the good of the whole’ is promoted.⁴⁹ Locke is aware, though, that ‘the people’ do not in fact tend to think as a whole. He seems in some moods to be neither afraid nor avoidant of their actual multiplicity. This is why the whole must in fact be determined by the larger part of that whole. As he explains, ‘when any number of Men have, by the consent of every individual, made a Community, they have thereby made that Community one Body, with a Power to Act as one Body, which is only by the will and determination of the majority. For that which acts any Community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the Body should move that way whither the greater force carries it, which is the consent of the majority: or else it is impossible it should act or continue one Body, one Community’.⁵⁰ Majoritarianism is therefore the only way to make sense of the fiction of a body politic created by the consent of the people. Locke’s attention to the granularity of ‘the people’ also emerges in his strictures on the rule of law. Locke not only says that the law ought to operate equally between different persons in a generic expression of equity, but he specifies that there ought not to be ‘One Rule for Rich and Poor, for the Favourite at Court, and the Country Man at Plough’.⁵¹ Up close, therefore, as well as from a distance, it seems that our authors are committed to the people’s involvement and reflection in government.

V

The third democratic principle I find in these authors is the commitment to the people’s will and interest. The idea that the purpose of political rule is to secure the public *good* had run throughout political theory of all colours. It had been the criterion of legitimate rule, the difference between monarchy and tyranny, aristocracy and oligarchy, democracy/polity and anarchy/democracy (ah!

⁴⁶ Locke, *Two Treatises*, pp. 356, 358.

⁴⁷ *Ibid.*, p. 360.

⁴⁸ *Ibid.*, p. 364.

⁴⁹ *Ibid.*, p. 364.

⁵⁰ *Ibid.*, p. 332. See Mark Knights, ‘John Locke and Post-Revolutionary Politics: Electoral Reform and the Franchise’, *Past & Present*, 213:1 (2011), pp. 41-86. Cf. Mark Knights, *Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture* (Oxford: Oxford University Press, 2005); Mark Knights, ‘Petitioning and the Political Theorists: John Locke, Algernon Sidney and London’s “Monster” Petition of 1680’, *Past and Present*, 138:1 (1993), pp. 94-111.

⁵¹ Locke, *Two Treatises*, p. 363.

Note the long history of ambivalence about democracy). The idea, however, that politics ought to serve the people's *interest*, in the sense simply of what was to their advantage, regardless of its rights and wrongs, was not so straightforwardly or canonically propounded, and indeed was often thought to run in a contrary direction to politics properly understood. The public good, that is, was often figured as the opposite of particular interests, and it was the role of government to eclipse the latter in favour of the former. Relatedly, the idea that government ought to enact the people's *will*, in the sense simply of what they happened to want, also went against the grain of political discourse. The will, if it is to have normative force, must be a good will. Since antiquity, various sceptical or hedonic theorists had countered that there was no such thing as the good, or a good will *per se*, but rather simply what seemed good to someone, abridging the good simply to the object of desire, to a person's particular pleasure. Here 'good' is emptied of its moral content, and reduced to the subjective perception of advantage or preference.

Sometimes, our authors explicitly suggest that the goal of politics is to reflect the people's 'will' and 'interest'. That they use these terms, rather than sticking exclusively to the 'public good' (to which they also appeal), strikes me as a democratic move. I am not thereby attributing to them a sceptical moral theory, nor a liberal political philosophy, simply drawing attention to their linguistic emphases and the vision of politics that these evoke: one bounded by the people's will and interest, making no mention of a higher normative end.

Interest operates ambivalently in late seventeenth-century political discourse, both as the negative emanation of our selfish partiality, but also as that which nonetheless the commonwealth should nurture, as well as shot through with monetary connotations. Locke leaves us in no doubt of the problematic force of the phenomenon. 'Interest', he says, 'biases' us in our own favour, making it hard for us to see the objective good.⁵² He yokes it to that other ethical wrecker, 'Passion'. Together, these powers cloud our moral vision, which is why legislators must not 'Rule by extemporary Arbitrary Decrees', but rather by 'promulgated standing Laws'.⁵³ It had been an almost perennial preoccupation for political theorists to stop one party in the state from pursuing their interest above the interests of other parties, and Locke is no exception. This is why members of the legislature should not sit in perpetuity. Just as with absolute monarchs, they might then pursue their own 'distinct interest', and, for example, 'increase their own Riches and Power, by taking, what they think fit, from the People'.⁵⁴ However, for all the disdain and anxiety that surrounds the notion of interest, it is precisely 'the common Interest of the People' that government is meant to oblige.⁵⁵ This is not

⁵² Ibid., p. 351.

⁵³ Ibid., p. 258.

⁵⁴ Ibid., p. 361.

⁵⁵ Ibid., p. 409.

(always and exclusively) some transcendental moral concept of the sort that Rousseau would go on to make (in)famous, but rather, as Locke makes clear when he drills into his principle of majoritarianism, a somewhat messy, fractious agglomeration of the disparate interests of individuals. ‘In all Collections of Men’, Locke states, it will ‘unavoidably happen’ that there will be a ‘variety of Opinions, and contrariety of Interests’, which is why the only realistic approach to divining the interest of the whole is really just to add up the numbers.⁵⁶

Sidney, who is also acutely aware of the way in which ‘interest’ can ‘pervert’ government, is simultaneously committed to the golden rule of promoting ‘the interest of the People’.⁵⁷ He is also unblinking about the fact that this interest is selfish. ‘Rational Creatures’, he states baldly, act ‘in consideration of their own Good’.⁵⁸ Neville’s English Gentleman is thrilled at the way in which his envisaged ‘new Constitution’ will make it structurally impossible for any particular interest to gain the upper hand, so that, for example, ‘The Lords cannot have any Interest or temptation to differ with the Commons’.⁵⁹ ‘All differences between the several parts of any Government come upon the account of Interest’, he says, but he has crafted the commonwealth in such a way that these different interests might be digested.⁶⁰ Interest qua ‘expediency’ is not eliminated in this narrative but managed, and applauded as much as it is abhorred.⁶¹

Nestling alongside the valorisation of the people’s interest(s), in all its pragmatism, is the commendation of the people’s will. This is held aloft as the loadstone for political legitimacy. ‘The Will of the People’, says Sidney, is the only means whereby the English crown could have become hereditary.⁶² It is clear that, sometimes at least, Sidney is talking about the people’s will, blank and unadorned, in the sense simply of the people’s pleasure. As he explains, for example, no king is in office *de iure*, but only *de facto*, if the people wish it. ‘The People, and their Representatives’ have ‘in themselves the power of receiving, authorizing and creating whom they please’.⁶³ Locke similarly invokes ‘the publick Will’ as the bedrock of executive authority. Magistrates do not act according to their own ‘private Will’ but rather according to ‘Will of the Society’.⁶⁴

This insistence that the people must act according to their own will rather than the will of another identifies these texts within the tradition that Quentin Skinner has taught us to read as neo-roman liberty. A person, and a people, are only free if they are *sui iuris*, that is, under their own will rather

⁵⁶ Ibid., p. 332-3.

⁵⁷ Sidney, *Discourses*, pp. 15, 342.

⁵⁸ Ibid., p. 15.

⁵⁹ Neville, *Plato Redivivus*, p. 255.

⁶⁰ Ibid., p. 253.

⁶¹ Ibid., p. 255.

⁶² Sidney, *Discourses*, p. 88.

⁶³ Ibid., p. 411.

⁶⁴ Locke, *Two Treatises*, p. 368.

than dependent on the will of another.⁶⁵ Sidney declares that ‘a People acting according to the liberty of their own Will, never advance[s] unworthy men’.⁶⁶ Since, once more in unmistakable neo-roman phrasing, ‘Liberty being only an exemption from the dominion of another’, it is the natural condition of men, and any dominion to which they choose to subject themselves might be just as freely dispensed with.⁶⁷ Sidney not only seems to suggest that it is the liberty of the will that is paramount in guaranteeing political legitimacy, but that this is the case regardless of the content of that will. Should a government not provide ‘justice and protection’, then ‘the People’ may ‘best please themselves’.⁶⁸ Again, this is the will of the people as the pleasure of the people. The people, in this formulation, are at liberty to do as they please.

Locke seems to chime with Sidney. Hitting precisely the same, distinctive, notes, he declares that in the state of nature men are perfectly free to act ‘without asking leave, or depending upon the Will of any other Man’.⁶⁹ By the same token, ‘The Liberty of Man, in Society, is to be under no other Legislative Power, but that established, by consent, in the Common-wealth, nor under the Dominion of any Will, or Restraint of any Law, but what the Legislative shall enact, according to the Trust put in it’.⁷⁰ Here, then, republican discourse pours into what I have been interpreting as a conceptually democratic pool.⁷¹ To review that pool for a moment: the people are sovereign, they ought to be represented in government, and it is their free will that determines their political circumstances.

VI

For all their excursions into popular sovereignty, however, these authors also write in a contrary, anti-democratic, direction. The people, on this competing account, are not free to do what they want, but are in fact bound by a superior, and divine, moral end. Government, it alternatively appears, is subject not to the people’s will as such, or indeed at all, but rather to a *good* will – which might, it turns out in the most extreme volte-face, belong according to Locke to none other than an absolute monarch. This, then, is emphatically not liberal democracy. It is not the case that anything goes, but instead a very specific normative course is prescribed, one that the recalcitrant multitude are as much in need of as any prince.

⁶⁵ See Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998). Cf. Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).

⁶⁶ Sidney, *Discourses*, p. 150.

⁶⁷ *Ibid.*, p. 406.

⁶⁸ *Ibid.*, p. 407.

⁶⁹ Locke, *Two Treatises*, p. 269.

⁷⁰ *Ibid.*, p. 283.

⁷¹ For a parallel analysis of the mixture of political languages, see Rachel Hammersley, ‘Rethinking the Political Thought of James Harrington: Royalism, Republicanism and Democracy’, *History of European Ideas*, 39:3 (2013), pp. 354-70.

If we look back to Locke's definition of the natural liberty of man, we find that his 'State of perfect Freedom' operates 'within the bounds of the Law of Nature'.⁷² That divine injunction to preserve mankind that we saw above as the basis for the people's political power also ties their hands. Just as they are entitled to devise and pull the strings of government in order to protect the lives, liberties and estates of the people, so this is the absolute limit of their legitimate sphere of action. They, like the government to which they consent, are not free to do harm. This is why for Locke consent is a necessary but not sufficient condition for political legitimacy, and why a government for all its elective foundations might still be removed if it breaches the law of nature. Man's 'State of Liberty', that is, 'is not a State of Licence'.⁷³

Sidney steps into line, rounding on Filmer's assault on 'the desire of Liberty': 'I desire it may not be forgotten', he intones, 'that the Liberty asserted is not a Licentiousness of doing what is pleasing to every one against the command of God'.⁷⁴ The people are not free to do what they want, but only to act well. No one, however high or low born, should have 'an unrestrained Liberty of doing that which is evil'.⁷⁵ Proceeding along similar lines to Locke, Sidney explains that liberty is not the end, or only, goal, but rather, as he says, 'the Nurse of ... Vertue'.⁷⁶ He quotes Machiavelli, and cites Roman history, to show that it works the other way round, too, that 'Vertue' is 'essentially necessary to the establishment and preservation of Liberty'.⁷⁷ The people's freedom is not enough; it needs to be accompanied, and constrained, by virtue.

Legitimate government, it here appears, is determined not by the public interest or will, one-sidedly understood, but rather insofar as it promotes 'the publick good', as Neville phrases the old, familiar, gold standard.⁷⁸ It is, again to return to Locke's account of the origins of politics, *the definition* of 'Political Power' that all its awesome scope over the life and death of human beings is 'all ... only for the Publick Good'.⁷⁹ This means, says Locke, now kicking up the lines he had seemed to want to draw forever in the sand, that the executive might in fact rule by 'discretion', over and above the legislative, if he needs to do so in the service of the public good.⁸⁰ This is why, deep into the anti-absolutist territory of the *Second Treatise*, Locke suddenly comes out in favour of prerogative power,

⁷² Locke, *Two Treatises*, p. 269.

⁷³ *Ibid.*, p. 270.

⁷⁴ Sidney, *Discourses*, p. 6.

⁷⁵ *Ibid.*, p. 154.

⁷⁶ *Ibid.*, p. 108.

⁷⁷ *Ibid.*, p. 105. Cf. Jonathan Scott, *Commonwealth Principles: Republican Writing of the English Revolution* (Cambridge: Cambridge University Press, 2004), pp. 315-35; Blair Worden, 'The Commonwealth Kidney of Algernon Sidney', *Journal of British Studies*, 24:1 (1985), pp. 1-40; J.G.A. Pocock, *The Machiavellian Moment* (Princeton: Princeton University Press, 1975).

⁷⁸ Neville, *Plato Redivivus*, p. 34; cf. also *ibid.*, p. 255.

⁷⁹ Locke, *Two Treatises*, p. 268.

⁸⁰ *Ibid.*, p. 375.

‘prerogative being nothing’, he says defensively, ‘but a Power in the hands of the Prince to provide for the publick good’.⁸¹ Writing against his own cast-iron neo-romanism, he says that one might in fact be dependent on the will of another if that will is a good will. As he explains, ‘absolute power, where it is necessary, is not Arbitrary by being absolute, but is still limited by that reason, and confined to those ends’.⁸² Here, then, ‘arbitrary’ emerges as a moral category, as opposed to simply being a function of the will, the *arbitrium*. It is immoral government that is the problem, rather than absolute government, at this shattering moment in the text.

Again, Sidney echoes Locke’s extraordinary move. Unpicking the notion of arbitrariness from the other direction to Locke, he explains that all government in the final analysis is ‘arbitrary’ insofar as it is the result of one will or another. That is both inevitable and non-problematic. What matters is that government should be directed to the proper end. As he elaborates, ‘the difference therefore between good and ill Governments is not, that those of one sort have an Arbitrary Power which the others have not, for they all have it; but that those which are well constituted, place this Power so as it may be beneficial to the people’.⁸³ This, the trump card of the public good, is why, in a moment not quite as startling as Locke’s embrace of prerogative power, but nonetheless indicative, Sidney avows his ‘veneration’ for monarchy ‘which is mixed, regulated by Law, and directed to the Publick Good’.⁸⁴ Neville, who also takes ‘arbitrary’ to mean ‘by will’, explains that even ‘the most unlimited and arbitrary Monarchy’ would be satisfactory, and serve the moral ends of politics, if it were based on a relatively equal distribution of property.⁸⁵

If what matters is a good will, rather than the people’s will, good rule rather than the rule of the people, then the situation looks especially parlous for the people, who do not always appear in a virtuous light. Each of our authors gives voice to this anti-democratic moralism, to the idea that the masses might be the worst sort of people. Of course, this prejudice is exactly what Sidney is fighting from the pen of Filmer, who had relished citing Xenophon on Rome and Athens ‘as places where the best Men thriv’d worst, and the worst best’ with a view to ‘disallowing Popular Governments’.⁸⁶ However, even as Sidney is wrestling to deny the supposed hydra of the mob, he gets entangled in affirming it. Depravity is not restricted, he admits, to such as that ‘dissolute crew that us’d to be companions to the Tarquins’ in Rome before the Republic, to the ‘licentious fury of these lewd young

⁸¹ Ibid., p. 373.

⁸² Ibid., p. 361. See Quentin Skinner, ‘On Trusting the Judgement of Our Rulers’, in Richard Bourke and Raymond Geuss (eds), *Political Judgement: Essays for John Dunn* (Cambridge: Cambridge University Press, 2009), pp. 113-30. Cf. Lena Halldenius, ‘Locke and the Non-Arbitrary’, *European Journal of Political Theory*, 2:3 (2003), pp. 261-79.

⁸³ Sidney, *Discourses*, p. 455.

⁸⁴ Ibid., p. 106.

⁸⁵ Neville, *Plato Redivivus*, p. 88.

⁸⁶ Sidney, *Discourses*, p. 138.

men'; there have 'in all times' been 'the like vicious Wretches'.⁸⁷ Trying to bring Aristotle round to the cause of 'Popular Government', Sidney says that the philosopher thought it was fine, 'unless the multitude be composed of such as are barbarous, stupid, lewd, vicious, and incapable of the Happiness for which Governments are instituted; who cannot live to themselves, but like a herd of Beasts must be brought under the dominion of another'.⁸⁸

The mask of humanity slips in these texts, revealing creatures that are incapable of a rational will, unable to govern themselves directly, let alone collectively. Neville, likewise, stands in judgement over the people when he explains that one way in which the rot can set into a polity is when 'the meaner sort of People' are admitted into government, 'these being', as he says disparagingly, 'less sober, less considering, and less careful of the Publick Concerns'.⁸⁹ While Locke tends to refrain from insulting the people, probably because he is the least democratic of this chapter's triumvirate and therefore never looks the people squarely in the face, he does, almost inadvertently, nail his colours to the mast. It is precisely because the people cannot govern themselves in the condition of nature that they need government to put a lid on the war, which though not identical with nature, as it was for Hobbes, nonetheless tends that way. 'In the State of Nature', he reminds us, man has the 'right' but not the 'enjoyment' of his safety. Indeed, there he is 'constantly exposed to the Invasion of others', where 'the greater part' of his fellows are 'no strict Observers of Equity and Justice'. Left to their own devices, the people live in a state 'full of fears and continual dangers'.⁹⁰ The people, on this account, cannot, should not be trusted to govern themselves.

VII

But the world is not as it should be and we have to work with what we are. It seems to me that, both pulled towards and repelled away from the people, our authors settle in pragmatically democratic territory. For Locke, for whom the poverty of the people's judgement was the reason for government in the first place, in the end the people's judgement is all we have to determine whether that government is acting properly. We therefore come back, full circle, to where we began: to the will of the people, however tattered it may be. In response to the 'common Question', 'Who shall be Judge whether the Prince or Legislative act contrary to their Trust?', Locke replies 'The People shall be Judge'.⁹¹ And if the people judge that their government means them harm, then, their court of appeal

⁸⁷ Ibid., pp. 152-3.

⁸⁸ Ibid., p. 104.

⁸⁹ Neville, *Plato Redivivus*, p. 68.

⁹⁰ Locke, *Two Treatises*, p. 350.

⁹¹ Ibid., p. 421. Cf. Neville, *Plato Redivivus*, p. 168. See John Dunn, 'The Concept of Trust in the Political Theory of John Locke' in Richard Rorty, J. B. Schneewind and Quentin Skinner (eds), *Philosophy in History: Essays on the Historiography of Philosophy* (Cambridge: Cambridge University Press, 1984), pp. 279-301.

turned assailant, they may appeal to heaven to decide the case and take up arms. Locke's realism that the people, for all their faults, must, in the absence of anyone else, determine political legitimacy is compounded by his epistemological scepticism, or to put it more precisely, his probabilism. As human beings we do not possess the sunshine of perfect knowledge; in moral matters we have 'the candle' that God has 'set up in us', and though Locke is desperate for that to shine 'bright enough for all our Purposes', he struggles throughout his life to put moral knowledge on a certain footing, and in old age seems to give up hope altogether.⁹² Locke's return to the people, then, having spent so much of the *Second Treatise* trying to get away from them, is more a function of desperation than celebration.

Sidney, on the other hand, not only has a matter-of-fact belief that the right of resistance is the only effective way to hold government to account, but he positively cheers on the revolutionaries. A citizenry that stands up for itself is a citizenry with ambition and courage, a citizenry that will bring glory to the commonwealth with which it identifies. It is in the nature of popular governments that they strengthen the people, 'filling them all with such a love for their Country, that every man might look upon the publick Cause as his own, and be always ready to defend it'. The stronger the people, the more fired up they will be, alive with divergent views, and the more likely to spark conflict and insurrection. But this, says Sidney, is a good thing. Not only does it keep the government honest, but it keeps the polity healthy, flushing out corruption in a messier version of Neville's circulation of officers. Yes, says Sidney, a vital, judgemental, people 'may sometimes give occasion to Tumults and Wars, as the most vigorous bodies may fall into Distempers', but 'they soon recover, and for the most rise up in greater Glory and Prosperity than before'.⁹³ Sidney's applause for disorder recalls Machiavelli's. As we read in Machiavelli's own *Discourses*, one cannot 'regard' Rome's 'tumults as harmful'.⁹⁴ For a political body to thrive, it needs disparate interests to fight it out, precisely so that the common interest, or the public good, and – connectedly – true, self-willing, liberty and free statehood, will be achieved. It is because 'the populace' fought 'the upper class' that Rome ascended the heights that it did; 'all legislation favourable to liberty', confirms Machiavelli, 'is brought about by the clash between them'.⁹⁵ While Neville's English Gentleman spends much of *Plato Redivivus* distancing himself from revolution and civil war, he agrees with Machiavelli that it was 'in the most turbulent times' of the Republic that 'Rome was much more full of Vertuous and Heroick Citizens, than ever it was under Aurelius and Antoninus'.⁹⁶

⁹² John Locke, *An Essay Concerning Human Understanding*, ed. Peter H. Niddich (Oxford: Oxford University Press, 1975), p. 46; John Locke, *The Reasonableness of Christianity in Writings on Religion*, ed. Victor Nuovo (Oxford: Oxford University Press, 2002), p. 195.

⁹³ Sidney, *Discourses*, p. 209.

⁹⁴ Niccolò Machiavelli, *The Discourses*, ed. Bernard Crick (London: Penguin, 1998), p. 114.

⁹⁵ *Ibid.*, p. 113.

⁹⁶ Neville, *Plato Redivivus*, p. 43; cf. *ibid.*, p. 218 on 'the Devil of Civil War'.

The people might not have sufficient knowledge or goodness to pursue the public good, but our authors' conclusion is that they turn out to be the highest authority on earth. That Locke and Sidney, and even, by implication, Neville, give the right, if not the monopoly, of violence to the people, puts a final democratic stamp on these theorists.

VII

I do not want to end, though, with the sound of the gavel. This chapter has demonstrated precisely the uncertainties, the contradictions, and the deep ambivalence of our authors towards democracy. It is impossible to say ultimately whether they were for or against it. And that is not simply because they express both democratic and anti-democratic views. It is because there is no essential concept of democracy that they might accept or reject. Concepts only get their life through the thought, speech, and interactions of particular individuals at particular points in time and space. They are related to specific words, but they do not have the fixity, nor the identifiability of words. They transcend and move between words, as well as embodying them, blooming here and decaying there according to the specific purposes and pressures of speakers and circumstances. They have no independent existence abstracted from their contexts, no consistency through history, and even when you try to pin them down at a precise moment they dissolve into air.

Even, for example, at the apparent point of convergence between Locke and Sidney on the people's right of resistance in England in the early 1680s, a fissure opens up between their democratic visions. Whereas Sidney presents the people as champing at the bit, Locke portrays them as conservative and disengaged from politics, only drawn in reluctantly when they can bear no longer the yoke cutting into their neck. 'The people', he avers, 'are more disposed to suffer, than right themselves by Resistance', and therefore 'not apt to stir'.⁹⁷ They tend to exhibit 'a slowness and aversion ... to quit their old Constitutions'.⁹⁸ This bifurcation, in turn, reflects two approaches to democracy. One, intimated by Sidney, recalls the ancient agora that sucked you to its centre, and made the political personal with its demanding ethic of civic participation. The other approach, Locke's, intertwines with a tolerationist agenda that pulls away from the centre, that wants to carve off a space for the individual – the most important space, for the care of one's eternal soul – where the state cannot reach. This, albeit with deep incoherence, points forward to liberal democracy.

There is no such thing as a stable concept of democracy that the authors discussed in this chapter could have endorsed or repudiated. What I have shown instead are the mercurial ways in which Locke,

⁹⁷ Locke, *Two Treatises*, p. 418.

⁹⁸ *Ibid.*, p. 414.

Sidney, and Neville each strenuously confronted the power of the people, by turns fearful, disparaging, distancing, and approving, but never denying their might nor their right.

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