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English Republicanism and the Concept of  
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by  
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# English Republicanism and the Concept of Interest

Alberto Ribeiro Gonçalves de Barros \*

*This paper examines the concept of interest as employed by authors who defended the Commonwealth established in England from 1649 to 1660. Based on Marchamont Nedham's and James Harrington's political writings, it seeks to understand their constitutional proposals for the problem of the relation between private and public interests. While Nedham conceived politics as a process of continual conflict between competing interests where only one could prevail, Harrington proposed constitutional devices capable of accommodating the diversity of private interests and extracting public interest from it. They both argued that popular government was the most appropriate political regime to accomplish the people's interest, as it allowed the separation of legislative and executive functions they associated to a classical idea of mixed constitution. Nevertheless, their proposals departed from this classical ideal, characterized by the incorporation and interaction of the various parts of the body politic, and prefigured the constitutional government of modern republics.*



The concept of interest, used originally in commercial relationship to designate the material compensations obtained in a monetary transaction, was introduced into English political discourse with a new meaning: what touched or

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concerned the State. Initially, it was connected to reason of state,<sup>1</sup> denoting the motivation of unscrupulous princes who used immoral means to achieve their intentions. Shortly afterwards it was used to designate the general conduct of political affairs to the advantage of the State.<sup>2</sup>

In the most influential pamphlet on this subject of early modern times, *De l'interest des princes et estats de la Chrestienté* (1638), Henry, Duc de Rohan, asserts that “princes command the peoples and interest commands princes” with the remark that “the prince may be wrong, his counsel may be corrupted, but interest never lies”.<sup>3</sup> Besides the interest of the princes, the author addresses the issue of the particular interest of some powers in Europe at the time. He attributes to England the specific interest of defending Protestantism and the Reformation: “apart from the interest which [the Queen of England] has in common with all princes, she has yet a particular one, which is, that she ought thoroughly to procure the advancement of the Protestant Religion”.<sup>4</sup>

After emphasizing that the failure of various national polities is due to a deficiency in understanding what is really in the interest of States, he concludes “in matters of State we should not be guided by disorderly desires (...) nor by violent passions (...) nor by superstitious opinions (...) but, for our own interest, we should be guided only by reason, which should be the norm of our actions”.<sup>5</sup>

In the sense of conducting foreign policy to the advantage of the State, the expression ‘Interest of England’ soon became common thanks to the English translation of Rohan’s pamphlet by Henry Hunt in 1640. For instance, in *A Discourse Upon the Interest of England Considered* (1641), Calybutte Downing criticized Charles I for neglecting England’s true interest, which was to intervene on the side of the Elector Palatine in the European religious conflict. According

<sup>1</sup> See Geoff Baldwin, “Reason of State and English Parliaments, 1610-42”, *History of Political Thought* 25 (2004): 620-641.

<sup>2</sup> See Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton: Princeton UP, 1977), 31-66.

<sup>3</sup> Henry, Duc de Rohan, *De l'interest des princes et estats de la Chrestienté* (Paris, 1638), 1 (my translation).

<sup>4</sup> Duc de Rohan, *De l'interest des princes*, 39 (my translation). This passage will often be quoted in English tracts of the seventeenth century with the substitution of the “King of England” to Queen Elizabeth.

<sup>5</sup> Duc de Rohan, *De l'interest des princes*, 41-42 (my translation).

to Downing, England was responsible for aiding the other Protestant princes of Europe, due to her special place in Christian eschatology.<sup>1</sup>

Initially used for denoting the King's strategies in the international arena, the concept of interest began to be used to discuss the intentions of the parties involved in the English civil wars (1642-1648).<sup>2</sup> Both royalists and parliamentarians used the vocabulary of interests—in different ways—to justify their claims. On the one hand, the royalists emphasized that the interest of Charles I was identical to that of the kingdom, for the English monarch's interest was the common good and the welfare of the whole State: in seeking to achieve his interest, he fulfilled the interests of his subjects. On the other hand, the parliamentarians equally associated their cause with the interest of the kingdom, arguing that their interests—essentially the protection of civil liberty and of property, threatened by the king's discretionary government—manifested the common interest. Both sides were concerned to describe politics in terms of interests, and these were considered circumstantially linked to the common good.<sup>3</sup>

Between the last battle of the First Civil War (June 1646) and the first military action of the Second (February 1648), with the victory of the parliamentary army and Charles I's captivity, the debate on the *Agreement of the People* was very important for the development of the idea that the people as individuals are reliable judges of their interests.<sup>4</sup> Proposed by four of the Leveller leaders<sup>5</sup>—William Walwyn, Robert Overton, John Wildman and John Lilburne—the document was read to the General Council in Putney Parish Church on the 28 October 1647.<sup>6</sup> Its first article, which stipulated that the franchise might be made

<sup>1</sup> Calybute Downing, *A Discourse Upon the Interest of England Considered*, (London, 1641), 1-2.

<sup>2</sup> Raab lists a number of works that argue from interest. See Felix Raab, *The English Face of Machiavelli: A Changing Interpretation 1500-1700* (London: Routledge & Kegan Paul, 1965), 236-237.

<sup>3</sup> See Elliott Karstadt, *The Power of Interests in Early-Modern English Political Thought* (PhD diss., Queen Mary University of London, 2013), 32-66.

<sup>4</sup> See Alain G. Houston, "A way of Settlement: the Levellers, Monopolies and the Public Interest", *History of Political Thought* 14, 3 (1993): 381-420; Stephen Engelmann, *Imagining Interest in Political Thought* (Durham, NC: Duke UP, 2003), 124-128.

<sup>5</sup> For a full-length study of the Levellers as political thinkers and their ideas, see Rachel Foxley, *The Levellers: Radical Political Thought in the English Revolution* (Manchester: Manchester UP, 2013).

<sup>6</sup> Michael Mendle, ed., *The Putney Debates of 1647: The Army, the Levellers and the English State* (Cambridge: Cambridge UP, 2001).

more equitable and universal, was intensely discussed on the next day.<sup>1</sup> On one side, the Agitators (the elected representatives of the soldiers) wanted a new constitution based upon unqualified manhood suffrage, with the argument that all native freeborn men should have an equal voice in elections. On the other, the Grandees (senior officers) argued that the vote should remain an exclusive right of landowners, based on the principle recalled by Henry Ireton that only those having a permanent fixed interest in the kingdom should be elected to Parliament.<sup>2</sup> Ireton used the word ‘interest’ in the original sense, as a substitute for property, and stressed that by fixed interest he meant the possession of land, rather than movable property, because interest could only be rooted in land. His argument reinforced the idea that men without property should not be involved in political matters, since they had no real interest in the kingdom, and that the common interest would derive from private interests, particularly those of the landowners.<sup>3</sup>

At the end of 1648 the royalist troops were finally defeated, and Charles I was arrested again by the parliamentary army. The parliamentary Presbyterians still wanted an agreement with the king, but the general officers rejected that solution. On 6 December, Colonel Pride’s troops, supported by the Levellers, marched on Parliament and purged the most conservative members.<sup>4</sup> The result was the Rump Parliament that ordered the trial of the king by a legislative act. Charles I was declared guilty of high treason against England, that is, of using his power to pursue his personal interest rather than the common interest. He was executed on 30 January. The House of Lords was dissolved and the office of king was described as unnecessary and dangerous for the rights and liberties of the people. On 19 May England was declared a Commonwealth, or a Free State.

Some supporters of the new regime, such as Marchamont Nedham and James

<sup>1</sup> *An Agreement of the People for a Firm and Present Peace, upon Grounds of Common-Right and Freedom* (1647). In: *Divine Right and Democracy*, ed. David Wootton (London: Penguin Books, 1986), 283-285.

<sup>2</sup> See Mark Kishlansky, “Consensus Politics and the Structure of Debate at Putney”, *Journal of British Studies*, 20 (1981): 50-69; Samuel Glover, “The Putney Debates: Popular versus Elitist Republicanism”, *Past and Present* 164 (1999): 47-80.

<sup>3</sup> See Gerald E. Aylmer, “The Meaning and Definition of Property in Seventeenth Century England”, *Past and Present* 86 (1980): 88-90.

<sup>4</sup> See David Underdown, *Pride’s Purge: Politics in the Puritan Revolution* (Oxford: Clarendon Press, 1971), 143-172.

Harrington, used the vocabulary of interests to propound a popular government. They believed that to accomplish the people's interest this was the most appropriate political regime, because it allowed the separation of legislative and executive branches. They also associated this popular government with the classical idea of the mixed constitution.



## 1. Politics as the process of conflict between competing interests

In 1644, Nedham replaced Thomas Audley and took charge of the weekly *Mercurius Britannicus*. Using the notion of interest in a series of editorials published in November and December 1645, he analysed the Civil War in terms of various competing interests and supported the parliamentary cause, whose purpose was the protection of the people's rights and liberties.<sup>1</sup> However, at some point in 1647, he came to uphold the royal cause and became the editor of the royalist weekly *Mercurius Pragmaticus*. In his editorials, Nedham claimed that the people of England shared Charles's interest.<sup>2</sup> After the King's execution, he criticized the regicide and attacked the republican regime in a new version of *Mercurius Pragmaticus* whose subtitle was *for King Charles II*. He accused the Rumpers of neglecting the common good in favour of their own private interests.<sup>3</sup>

In 1647, Nedham also wrote a work of royalist propaganda entitled *The Case of the Kingdom Stated*, in which he sought to analyse what was in the true interest of the several groups involved in conflict: the King, the Presbyterians, the

<sup>1</sup> *Mercurius Britannicus* no. 104 (3-11 November 1645), no. 105 (10-17 November 1645), no. 106 (17-24 November 1645), no. 107 (24 November-1 December 1645), no. 108 (1-8 December 1645).

<sup>2</sup> *Mercurius Pragmaticus* no. 21 (1-8 February 1648).

<sup>3</sup> *Mercurius Pragmaticus (for King Charles II)* no. 1 (17-24 April 1649).

Independents, the City of London, and the Scots. He made a compendium of the interests of each group, in order to find a basis for a political settlement. His main polemical targets were the Scots and the Presbyterians, whose interests he considered contrary to national interest. Finally, he advocated an alliance between Charles I and the Independent party.<sup>1</sup>

However, in November 1649, Nedham signed the Commitment of loyalty to the Commonwealth and thereafter he was appointed by the Council of State to take charge of the official weekly, *Mercurius Politicus*, which began to circulate in June 1650.<sup>2</sup> It does not matter here to decide whether he was a turncoat, who might have adapted his views to serve his financial interests, or whether he remained true to his own principles while switching allegiance only at a superficial level. What is important is to understand how he employed the notion of interest to support the Commonwealth.

In order to refute the critics of the new regime, he published *The Case of the Commonwealth of England*, whose contents were later reproduced in his editorials in *Mercurius Politicus*. Although the use of the vocabulary of interests is more sparse here, at the beginning of the Second Part it is possible to read his intention to uncover “the nature of the designs of the several parties claiming an interest in this nation, viz., Royalists, Scots, Presbyterians, Levellers, as they stand in opposition to the present government and would each of them introduce a new form of their own”.<sup>3</sup> There is a clear suspicion regarding the particular interests of these groups, since they might be seditious and contrary to the common good. He concludes that those interests must be subordinated in favour of the common interest that is the peace and security of the nation, assured by the Rump Parliament.<sup>4</sup>

The last chapter of the treatise is dedicated to showing the superiority of the

<sup>1</sup> Marchamont Nedham, *The Case of the Kingdom Stated* (London, 1647), 1-4 (A2v-A3v).

<sup>2</sup> See Paul Rahe, “An Inky Wretch: The Outrageous Genius of Marchamont Nedham”, *National Interest* 70 (2002-3): 55-64; Joad Raymond, “A Mercury with a Winged Conscience: Marchamont Nedham, Monopoly and Censorship”, *Media History* 4 (1988): 7-18.

<sup>3</sup> Marchamont Nedham, *The Case of the Commonwealth of England* (London, 1650), 33.

<sup>4</sup> See Jason T. Peacey, “Perceptions of Parliament: Factions and ‘The Public’”, in *The English Civil War: Conflict and Contexts, 1640-49*, ed. John Adamson, Basingstoke (London: Palgrave, 2009), 88-89; Blair Worden, “Wit in a Roundhead: the Dilemma of Marchamont Nedham”, in *Political Culture and Cultural Politics in Early Modern England*, ed. Susan D. Amussen (Manchester: Manchester UP, 1995), 317-319.



Commonwealth over other political regimes. At the beginning of this chapter, in order to explain why the new regime suffered so many attacks, Nedham mentioned a possible reason which was inspired by Machiavelli: English people had been educated under a monarchy, and a general corruption and depravation of manners was the consequence.<sup>1</sup> He also quotes several arguments emphasized by Machiavelli to prove the superiority of the republican regime. One of them is that republics are more excellent, since all their citizens are equally dedicated to the common good, unlike monarchies, in which the king's interest is often contrary to public benefit.<sup>2</sup> Nedham seems to subscribe to the Machiavellian advice that where corruption is extreme, it is necessary to have recourse to extraordinary measures to promote a radical reform. Usually this is led by a person, who concentrates all power in his hands to take the required actions to save the body politic. However, perhaps for the sake of the Rump Parliament, he does not praise the action of a single man or a great leader, but rather that of the Assembly which represented the people's interest.<sup>3</sup>

The editorials of the *Mercurius Politicus* reveal a conception of politics as the process of continual conflict between competing interests which should be reconciled under the supremacy of the people's interest. He claims that no one better than the people can identify public interest and the best means to attain it. Nedham's main argument is that ordinary citizens could recognise and define the public interest, since they have what is necessary for its recognition, that is, knowledge of their own interests. According to him, the individuals that make up the people are really best suited to judge their own interests for themselves, and public interest could be constituted by the adjustment of their interests.<sup>4</sup> As it is impossible to congregate the people to decide about the public interest, Nedham admits that the decision should be left to an assembly of the people's representatives. In his view, the members of this assembly are apt to legislate, because they share the people's interest, which is preserving their rights and liberties.<sup>5</sup> Thus, the editorials reflect the idea of several pamphlets, such as John Warr's *The Priviledges of the People* (1649). Warr states that the people's interest

<sup>1</sup> Nedham, *The Case of the Commonwealth*, 126-127.

<sup>2</sup> Nedham, *The Case of the Commonwealth*, 131-133.

<sup>3</sup> Nedham, *The Case of the Commonwealth*, 140-143.

<sup>4</sup> *Mercurius Politicus* no. 16 (19-26 September 1650), no. 92 (4-11 Mars 1652).

<sup>5</sup> *Mercurius Politicus* no. 68 (18-25 September 1651), no. 94 (18-25 Mars 1652).

is the best starting point toward what might be considered a public interest: “in every Commonwealth the interest of the people is the true and proper interest of the Commonwealth”.<sup>1</sup>

Nevertheless, in the editorials written after Oliver Cromwell disbanded the Rump Parliament in May 1653, Nedham accuses its members of having prevented the establishment of an authentic republican regime by maintaining the interests of royalty. He argues that these were not only defended by the royal family, but also by the nobility that supported it and wished to keep the people in bondage. As the nobility had a strong influence on the Rump Parliament, the interests of the king had been protected; so, its dissolution by force of arms had been necessary for the establishment of a true Commonwealth or Free State.<sup>2</sup>

In *A True State of the Case of the Commonwealth of England, Scotland and Ireland* (1654), Nedham supports Cromwell’s designation as Lord Protector of the Commonwealth under the terms of *The Instrument of Government*, a constitutional settlement drafted by Major-General John Lambert and adopted by the Council of Officers.<sup>3</sup> He mentions two grave errors committed by the Rump Parliament. The first was the decision to concentrate the functions of making and executing laws, impeding any form of control or balance between the legislative and the executive powers. Its members were not only expected to perform their original task of enacting laws, but also the function of executing them. Such concentration opened the door to all the drawbacks of arbitrary power, endangering the people’s freedom.<sup>4</sup> The second error was in the abuses committed by the Rump’s members, who had subverted Christian principles, civil rights and the fundamental laws of the nation.<sup>5</sup> Furthermore, if the security of the people resided in the possibility of appealing against judgments considered

<sup>1</sup> John Warr, *The Priviledges of the People, Or, Principles of Common Right and Freedome Asserted* (London, 1649), 5.

<sup>2</sup> *Mercurius Politicus* no. 173 (29 September-6 October 1653), no. 174 (6-13 October 1653), no. 175 (13-20 October 1653).

<sup>3</sup> See Samuel R. Gardiner, ed., *The Constitutional Documents of the Puritan Revolution 1625-1660* (Oxford: Oxford UP, 1906), 405-417.

<sup>4</sup> Marchamont Nedham, *A True State of the Case of the Commonwealth of England, Scotland and Ireland*, Facsimile of the 1654 edition (Exeter: The Rota, 1978), 9-13.

<sup>5</sup> Nedham, *A True State*, 14-21.

unjust, it was practically impossible to do so under a government in which the supreme court of appeal was the Parliament itself.<sup>1</sup>

Nedham evokes the wisdom of the old English constitution, which assigned to the people, represented by the Commons assembled in the Parliament, the supreme power to make laws and entrusted their execution to a single person, advised by counsellors. According to his ideas, *The Instrument of Government* re-established a moderate government by separating the legislative and the executive functions: the former exercised by the Parliament, whose members were elected by the people; the latter, by the Lord Protector and the Council of State, chosen by the Parliament.

In his analysis of *The Instrument of Government*, Nedham emphasized that it placed, directly or indirectly, all the attributes of sovereignty in the people. It reserved to the people, represented by successive assemblies, the power to make, change and cancel the laws, in such a way that the people were governed by the laws to which they had given their consent. It did not leave to the will of a single person the power to summon Parliament and clearly defined the modus operandi for its establishment, stipulating the process of electing its members and the necessary qualification for voters and candidates, among other measures. In addition, in order to ensure the Parliaments at least a minimum of duration, it stipulated that they could not be dissolved for five months from their gathering without the express consent of the majority of members. It attributed the power to execute the laws to a person who was elected by the people, since he was a member of the Council of State. Unlike the former English kings, who placed themselves above the laws, the Lord Protector was subject to the laws, like all citizens. Furthermore, the Lord Protector was an elective office, exercised not by virtue of a hereditary right, but of the qualities the function required, with powers clearly limited by the laws. Thus, it established a popular government, whose main benefit was not only the security of the people's freedom but also the protection of their rights.<sup>2</sup>

Cromwell dissolved the first Protectorate Parliament in January 1655 without revising or endorsing *The Instrument of Government*. So, hopes were turned to the second Protectorate Parliament instated in September 1656. However,

<sup>1</sup> Nedham, *A True State*, 22-25.

<sup>2</sup> Nedham, *A True State*, 27-46.

in its first session, a group led by Roger Boyle and Christopher Packe—Lord Mayor of London—proposed a new constitution. The draft of this new constitution, *The Humble Petition and Advice*, began by asking Cromwell to assume the title of king with the prerogative to name his successor. It also established a new House, simply called “the Other House”, a kind of Senate whose members would be nominated for life by the Protector and approved by the present House of Commons.<sup>1</sup> With the intention to influence the decisions of this second Protectorate Parliament, Nedham published *The Excellency of a Free State* (1656), which contained editorials published in the *Mercurius Politicus* between February 1651 and August 1652, selected and reordered, without references to the events that motivated them.<sup>2</sup>

Quentin Skinner considers Nedham’s treatise one of most important English exemplifications of the neo-Roman theory of free states.<sup>3</sup> According to this theory, natural and political bodies are alike capable of possessing and forfeiting their liberty. Just as individual human bodies are free, if they are able to act at will, so are political bodies, if they are similarly unconstrained from using their powers according to their own wills in the pursuit of their desired ends: “Free states, like free persons, are thus defined by their capacity for self-government. A free state is a community in which the actions of the body politic are determined by the will of the members as a whole”.<sup>4</sup> Skinner emphasizes that an obvious inspiration came from Machiavelli’s *Discorsi sopra la prima deca di Tito Livio* (1518) and his definition of free cities, as those that are governed by their own will. Nedham picked up this idea in the sense that free peoples are those who act as keepers of their own liberties.

Indeed, in the first part of his new treatise, Nedham exposes the reasons why the people are the best guardians of their liberties. However, unlike Machiavelli, who understands the safeguarding of liberty as a magistracy, Nedham seems to understand it as the effective exercise of the government. Besides, if Machiavelli uses the term *popolo* in different ways, it is possible to say that in this specific

<sup>1</sup> See Austin Woolrych, *Britain in Revolution* (Oxford: Oxford UP, 2002), 638-663.

<sup>2</sup> See Blair Worden, “Marchamont Nedham and the Beginning of English Republicanism, 1649-1656”, in *Republicanism, Liberty and Commercial Society*, ed. David Wootton (Redwood City: Stanford UP, 1994), 45-81.

<sup>3</sup> Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge UP, 1998), 13-15.

<sup>4</sup> Skinner, *Liberty before Liberalism*, 26.

subject the *popolo* is one of the parts of the body politic, opposed to the *grandi*. Nedham explains clearly that by ‘the people’ he understands the successive assemblies of their representatives: “The government of the people in a free State, that is, by its successive representatives or supreme assemblies properly chosen, is the most natural and the only one appropriate to the reason of mankind”.<sup>1</sup>

Nevertheless, the main difference is that Nedham does not share Machiavelli’s ideas on the principles by which the people should be the guardian of liberty. Machiavelli believes that in every body politic there are two humours from which arise two divergent appetites: the *grandi*’s desire to command and dominate; and the *popolo*’s desire not to be commanded or oppressed. If the two desires can coexist, they cannot be satisfied simultaneously, because the full achievement of one implies the impossibility of satisfying the other. The body politic appears to Machiavelli as intrinsically divided, marked by the irreducible opposition of asymmetrical desires that clash continually. The uncontrollable antagonism of opposing desires thus results in a continuous conflict between the constituent parts of the political body, due to the impossibility of overcoming the opposition of their respective desires.<sup>2</sup>

Following the medical conception of the time, that the health of the body, human or political, depends on the balance of their humours, Machiavelli asserts that none of them should predominate or totally dominate. In the mediation between the different humours, the role of government stands out as that capable of maintaining a certain balance, partially satisfying each of their respective appetites, in such a way that citizens do not have to resort to violence to satisfy their desires. So, it becomes imperative to create institutions that take into account the impossibility of reconciling opposite desires: constitutional mechanisms that are capable of expressing them mutually. Without such mechanisms, repressed humours generate factions and partisanship that endanger the existence of the body politic itself.<sup>3</sup>

Given the inevitability of conflicts, the republican regime is considered by Machiavelli as the most appropriate, thanks to a more dynamic institutional

<sup>1</sup> Marchamont Nedham, *The Excellencie of a Free State* (London, 1656), 42.

<sup>2</sup> See book 1, ch. 4-5 of Niccolò Machiavelli, *Discorsi sopra la prima deca di Tito Livio*. In: *Tutte le opere secondo l’edizione di Mario Martelli*, edited by Pier Davide Accendere (Milano: Bompiani, 2018), 321-324.

<sup>3</sup> Book 1, ch. 7 of Machiavelli, *Discorsi*, 331-334.

structure capable of better accommodating them. In a republican regime, where there is a public sphere for their expression and there are instruments for intermediation, conflicts can be channelled to the benefit of the body politic. Concerning the question about who the guardians of liberty should be in a republican regime, Machiavelli initially considers two possibilities. They can be the *popolo*, as in Rome, or the *grandi*, as in Sparta and Venice. The choice seems to depend on the chosen result. If the aims are expansion and power, the duty will fall upon the *popolo*. However, if the aims are tranquillity and longevity, the *grandi* shall be guardians. Sparta and Venice show that serenity depends on the stability of the most prominent citizens, who are better accommodated when they do not feel threatened by the ordinary citizens and have their ambitions sated. Nevertheless, Machiavelli concludes that liberty should be entrusted to the *popolo*, because they are less likely to violate it. The *popolo*'s desire consists simply in not wanting to be dominated, unlike the *grandi* who never have the desire to just preserve what they have and always seek new conquests. The *popolo*'s desire is thus closer to liberty because of an important aspect of its manifestation, which is the absence of the ambition to dominate. Not wanting to seize power, but only to live freely, the *popolo* are able to safeguard liberty better, since their desire does not oppose the existence of a free government.<sup>1</sup>

Nedham however does not incorporate these Machiavellian principles. He only retains the idea that the body politic is marked by continual conflicts between different parties. The insurmountable conflicts between asymmetric desires, which should be expressed mutually by institutional mechanisms, are thus substituted by conflicts between competing interests where only one can emerge triumphant. Nevertheless, Machiavelli does not use the vocabulary of interests, despite the fact that it was available to him, preferring the vocabulary of humours, appetites and desires.

The second part of *The Excellency of a Free State* is dedicated to answering the most common objections to popular government. One of them was that popular government harmed public order, due to the frequent dissensions, divisions and tumults it provoked. Nedham replies that these disorders usually occur in exceptional circumstances. His main argument is that the people have a naturally peaceful temperament, only wishing to enjoy their rights and liberties in

<sup>1</sup> Book 1, ch. 5 of Machiavelli, *Discorsi*, 324.

security; and even if they had a bellicose temper, the tumults provoked by them would be less inconvenient than the tyranny of monarchs.<sup>1</sup>

In the last part of *The Excellency of a Free State*, Nedham analyses the mistakes usually made in conducting public affairs and how to avoid them. One of the errors is to leave the people in ignorance about the institutional measures required to preserve their freedom. The people need to know not only what freedom is, but also how to preserve it. Nedham then proposes a set of nine rules, and among these rules, he particularly discusses the one that advises the people to make use of freedom in moderation, so that it does not turn into licentiousness. Some actions are then suggested to the people and the most emphasized precaution is to avoid dissent and tumult, which often lead to armed confrontation and to the end of the Commonwealth.<sup>2</sup>

If in the second part of his treatise Nedham admits that conflicts of interests may have positive results, he definitely distances himself from Machiavelli, by not differentiating the dissensions that can produce good results from those that may result in the destruction of the body politic. Machiavelli recognizes that dissensions can generate good laws, contributing to freedom, or provoke violence and fear, making a free government impossible. While dissensions had positive effects in Rome, where the plebeians' desire was to participate in the government without excluding the patricians, they had harmful effects in Florence, where the desire of the parties was always to exercise power in an exclusive way, holding the rivals at bay through banishment and bloodshed.<sup>3</sup> Nedham does not differentiate the motives and the forms of dissensions. In general, he criticizes them for causing armed confrontation. Following classical authors like Cicero, he mostly considers them pernicious, because they originate factions and jeopardize the harmony and unity of the body politic.

After the end of the Protectorate, Nedham approves of the reestablishment of the Rump Parliament in *Interest Will not Lie: Or, a View of England's True Interest* (1659), a response to the recent anonymous pamphlet *The Interest of England Stated*, which proposed the return of the Stuart monarchy. In his preface, Nedham acknowledges that Rohan's maxim "interest never lies" had been widely

<sup>1</sup> Nedham, *The Excellencie of a Free State*, 64-68.

<sup>2</sup> Nedham, *The Excellencie of a Free State*, 107-115.

<sup>3</sup> Machiavelli, *Discorsi*, 241-244.

accepted and used by the English people to guide them both in pursuing their own interest and in recognizing the interest of adversaries in order to foresee their action and protect themselves from attack. He thus proposes to elucidate the true interest of the English people, which is the preservation of the Commonwealth, so as to avoid betrayal and deception inducing them to adopt the interests of their enemies as their own.<sup>1</sup>

Nedham argues that only the papists have good reasons to want the return of the Stuarts. The interest of the papists was to make sure that the son of Charles I—educated by the Jesuits according to the maxims of the Reason of state—took the Crown and had an absolute power, so that they could benefit from the new king's arbitrariness.<sup>2</sup> The royalists were divided into two groups: those who lived in exile, remaining faithful to the Stuarts and hoping to recover their status with the restoration of the monarchy; and those who had accepted the Commonwealth and gained the protection of their lives and properties. If the first group had motives for wanting to subvert the republican regime, the latter could expect no benefit from the return of the Stuarts. For once they had submitted to the Commonwealth and accepted its authority, they had broken with the royal family and could only expect reprisal after the restoration.<sup>3</sup>

Nedham also examines the interests of the other parties—Presbyterians, Puritans, parliamentarians, militaries etc.—as in previous pamphlets. The originality of his analysis resides in the inclusion of the neutrals, that is, the majority of the people who did not belong to any of the groups in conflict but wanted to live in freedom and security.<sup>4</sup> His conclusion was in favour of keeping the Rump Parliament's government, as it had ensured public order and the people's rights and liberties. It was the best guarantor of the people's liberty. As a popular government, it represented the true interest of the people, which was living in a Free State.

<sup>1</sup> Marchamont Nedham, *Interest Will not Lie: Or a View of England's True Interest* (London, 1659), 3.

<sup>2</sup> Nedham, *Interest Will not Lie*, 4-6.

<sup>3</sup> Nedham, *Interest Will not Lie*, 7-11.

<sup>4</sup> Nedham, *Interest Will not Lie*, 23-46.





## 2. Politics as the reconciliation of interests

Like Nedham's *The Excellency of a Free State*, James Harrington's *The Commonwealth of Oceana* (1656) was published with the clear intention to influence the decisions of the second Protectorate Parliament. Although the work was dedicated to Cromwell, the critique seems evident: Cromwell should not have dissolved the Rump Parliament to satisfy his ambition to take office as Lord Protector; since he had concentrated all power in his hands, he should have taken the opportunity to establish a true Commonwealth. The work was written in the context of an increasing discontent with the Protectorate's regime and its associated discussion regarding possible alternatives.<sup>1</sup>

*Oceana* has been sometimes interpreted as a utopian work.<sup>2</sup> However, it is not so in the sense of Thomas More's *Utopia* (1516) and Francis Bacon's *New Atlantis* (1626), because what is idealized there is not a political society outside history, but the present immediate result of a long historical process, together with the possibility of a future inscribed in history. The constitutional model is not based on simple imagination, but it is anchored in historical experience: a combination of the best republican models and their adaptation to the social and economic conditions that had taken shape in England in the previous decades. The bulk of the work is devoted to this constitutional model. Like other constitutions of the time, it is presented by way of orders or clauses, which address the institutional components of the proposed system, the principles and the processes according to which they are to operate.

<sup>1</sup> See Blair Worden, "Harrington's *Oceana*: Origins and Aftermath", in *Republicanism, Liberty, and Commercial Society*, ed. David Wootton (Redwood City: Stanford UP, 1994), 110-126.

<sup>2</sup> See James C. Davis, *Utopia and the Ideal Society: A Study of English Utopian Writing 1516-1700* (Cambridge: Cambridge UP, 1981), 229-241.

Harrington sets out the fundamental political principles of his constitutional model in the “Preliminaries”. The same principles are restated in later treatises—*The Prerogative of Popular Government* (1657), *The Art of Law-giving* (1659), and *A System of Politics* (1661)—which were designed to make his ideas accessible to a more general audience, and to emphasize their potential for implementation.<sup>1</sup>

In order to fight the possible return of monarchical government, Harrington uses the language of the “Good Old Cause”, which had united the Parliament against Charles I, fought against Cromwell’s arbitrary exercise of power, and demanded free and periodic elections for the representatives of the people.<sup>2</sup> Like Nedham, he also uses the vocabulary of interests to support the Commonwealth or Free State, which is frequently equated with popular government. The advantage of a commonwealth or popular government over monarchy, according to Harrington, is that under a monarchical government a particular individual or group of individuals may defend an interest contrary to the public interest. By contrast, in a popular government it would be impossible for an individual or group to combine such an interest with the power necessary to act upon it.

In that period, the idea was widely discussed that there usually was an opposition between reason and particular interest in political decisions, and that individuals would always opt for their own interests, neglecting reason. In order to contest it, removing any possibility of conflict between reason and interest, Harrington argued that reason was nothing but the manifestation of interest, since it led men to achieve their purposes by clear and precise instructions.<sup>3</sup> He admitted that there were several interests and different reasons:

As first, there is private reason, which is the interest of a private person. Secondly, there is reason of state, which is the interest (or error, as was said by Solomon) of the ruler or rulers, that is to say of the prince, of the nobility, or of the people. Thirdly, there is that reason which is the interest of mankind or of the whole.<sup>4</sup>

<sup>1</sup> See Rachel Hammersley, *James Harrington: An Intellectual Biography* (Oxford: Oxford UP, 2019), 97-148.

<sup>2</sup> Pocock links the work to republican opposition to the Protectorate and to other republican writings published that year. See John G. A. Pocock, “James Harrington and the Good Old Cause: a study of the ideological context of his writings”, *The Journal of British Studies* 10, no. 1 (1970): 30-48.

<sup>3</sup> See John A. W. Gunn, *Politics and the Public Interest in the Seventeenth Century* (London: Routledge, 1969), 109-152.

<sup>4</sup> James Harrington, *The Commonwealth of Oceana and A System of Politics* (Cambridge: Cambridge

If there were distinct interests, which expressed different reasons, it would be necessary to establish a hierarchy among the reasons, since they were not necessarily equally important. Harrington argued that the interest of humankind is clearly superior to that of individuals. The reason of the former, therefore, is higher than that of the latter, and must be right reason:

Mankind must either be less than the creature or acknowledge also his common interest to be common right. And if nothing else but interest, and the interest of mankind be the right interest, then the reason of mankind must be right reason.<sup>1</sup>

The political implications of these ideas are evident: if the interest of the people is the closest to the interest of humankind, since it is as general as possible, the reason of popular government is the closest to the right reason<sup>2</sup>. Unlike monarchy, which aims to fulfil the interest of the king and the nobles, popular government aims at the common interest of the people, which can be defined as the public interest. Yet while popular government has the potential to act in accordance with public interest, further measures are required to ensure that it actually does so.

Harrington admits that when particular interests clash with public interest, human beings have a natural tendency to pursue their own interests. He also maintains the traditional view that private interests are a potential danger to the common good. The challenge is then to create constitutional devices capable of reconciling the diversity of private interests and extracting from them a public interest. When private interests are set up in the appropriate political institutional framework, they can be made to conform to the common good. Thus, the threat posed by private interests should be neutralized through the institutions that can channel them towards a consideration of the public interest.

According to Harrington, the first step is to ensure a legislation that can express the right reason and accomplish public interest. However, those who make the laws are men, who will be led by their own interests:

The main question seems to be how a Commonwealth comes to be an empire of laws and

UP, 1992), 21.

<sup>1</sup> Harrington, *The Commonwealth of Oceana*, 22.

<sup>2</sup> See Alan Cromartie, "Harrington Virtue: Harrington, Machiavelli and the Method of the Moment", *The Historical Journal* 41 (1998): 987-1009.

not of men? or how the debate or result of a Commonwealth is so sure to be according unto reason, seeing they who debate and they who resolve be but men?<sup>1</sup>

The possibility of establishing a public interest that stems from private interests is illustrated by the dilemma of the two girls who are given a cake to share between them.<sup>2</sup> The starting point is the presence of two particular interests in having a part of the cake and a common interest in dividing it as equitably as possible, so that both get the same portion. The solution is given by the innocent wisdom of one of them who says to the other: divide and I will choose or let me divide, and you shall choose. If this proposal is accepted, the particular interest will be achieved, since each girl will have her part of the cake, and the common interest will also be reached, since each one will get the most equitable portion possible. The girl who will divide knows that the other will choose first, and she will not divide disproportionately, since the other will be able to choose the largest part. Her particular interest in having at least half of the cake causes her to divide it fairly, as equally as possible, so as to get a part comparable to that of the girl who will choose first. Thus, guided by right reason, they reach the common interest.

Harrington states that in political language to divide is to debate, to distinguish the different motives and intentions involved in the discussion; and to choose is to decide, to resolve after the examination. In an absolute monarchy, the king divides and chooses, in other words, he debates and decides alone; in a regulated monarchy, the king and the nobility debate and decide together. In both cases the public interest is determined by that of a part or even of a small part of the political body. It is only in a popular government, where it is possible to separate the functions of discussion and resolution, that debate and decision can express the public interest. Unlike Nedham, Harrington stresses that, to prevent any dominant interest from being taken for the common interest, the government should be ordered in such a way that all particular interests should somehow be accommodated.<sup>3</sup>

Following the principle of separated functions, Harrington proposes a constitutional model in which a council is in charge of debating and proposing the

<sup>1</sup> Harrington, *The Commonwealth of Oceana*, 20-21.

<sup>2</sup> Harrington, *The Commonwealth of Oceana*, 22-24.

<sup>3</sup> Harrington, *A System of Politics*, 286-287.

laws, while another is responsible for deciding and enacting them. When the two functions are separated into distinct councils, each one with a recognized competence to exercise its task, the probability that the laws be put to the service of particular interests is almost nil. For the first council knows that it is useless to put forward proposals in their own interest, since the other council will not approve them; and the latter, in turn, knows that it is unable to promote its own interests, since it cannot put forward its own proposals for voting.

Harrington warns that it is necessary to evaluate the quality of the councils responsible for debate and decision. If in the example of the two girls the separation of functions was indifferent, since either one could choose or divide, in a popular government it would be necessary to assign the functions of proposing and deciding to the most competent citizens for each task. His assumption is that God left no doubt about who should propose and who should decide, by separating men into two categories: some of them have the right to propose by their natural eminence; and others have the right to decide by their natural aptitude to choose. After all, it is enough to gather a certain number of men to be able to attest that some of them are more reasonable, a natural aristocracy, the wisest in understanding the problems and proposing solutions. The others have not only a natural but also a positive obligation to turn to the most reasonable for guidance.<sup>1</sup>

In a Commonwealth, the natural aristocracy should compose a senate in charge of debating and proposing solutions. The people, having been shown the truth by this aristocracy, have an obligation to accept them as their guides. There is no space for an extensive popular debate or for deliberative popular assemblies. Public speaking is restricted to a complex system of procedures that seek to inhibit the appeal to passions in order to avoid both social upheavals and manipulation by demagogues. The assumption of such exclusivity seems to be that only a natural aristocracy has the necessary decorum to speak in public. Deliberation takes place only within the senate and only by and for an élite. In popular government, a meritocratic aristocracy manages debate, in order to avoid anarchy.<sup>2</sup>

<sup>1</sup> Harrington, *The Commonwealth of Oceana*, 23.

<sup>2</sup> See Gary Remer, "James Harrington's New Deliberative Rhetoric: Reflection of an Anticlassical Republicanism", *History of Political Thought* 26 (1995): 532-557.

Unlike Machiavelli, Harrington considers the aristocracy fundamental to the stability of a Commonwealth.<sup>1</sup> He prefers the longevity of Sparta and the serenity of Venice, taken as models for *Oceana*, to the vigour and power of Rome, a republic marked by dissensions and conflicts.<sup>2</sup> Following classical authors like Cicero, he sees civil conflicts as detrimental to the Commonwealth. In his view, they originate from flaws in the institutional arrangements and never result in public interest. They should be avoided by means of ordinances aimed to promote harmony between the component parts of the body politic. Thus the legislator must seek unity and social concord through a constitution that accommodates the various interests present in the Commonwealth.<sup>3</sup>

The principle is that the senate only proposes laws, but does not establish them. Its members should not be appointed either by a hereditary right or according to the extension of their properties, but by an electoral process that ensures the selection of the most competent to discuss and propose solutions for the Commonwealth. They cannot concentrate the two functions of the legislative process. If the senate could also decide on its proposals, there would be no institutional guarantees against arbitrary decisions:

Wherefore the office of the senate is not to be commanders but counsellors of the people; and that which is proper unto counsellors is first to debate the business whereupon they are to give advice, and afterward to give advice in the business whereupon they have debated. Whence the decrees of the senate are never laws, nor so called, but *senatusconsulta*, and these, being maturely framed, it is their duty *ferre ad populum*, to propose in the case unto the people.<sup>4</sup>

Harrington argues that if the wisdom of few may illuminate the ways of humanity, their interest, however, does not reflect the interest of humankind. The same goes for a Commonwealth: if its natural aristocracy is able to discern problems and present the necessary solutions, it does not follow that it represents the people's interest. Therefore, the senate must discuss and propose, but not

<sup>1</sup> Harrington, *The Commonwealth of Oceana*, 15-16.

<sup>2</sup> Harrington, *The Commonwealth of Oceana*, 36-38.

<sup>3</sup> See Jonathan Scott, "The Rapture of Motion: James Harrington's Republicanism", in: *Political Discourse in Early Modern Britain*, ed. Nicholas Phillipson and Quentin Skinner (Cambridge: Cambridge UP, 1993), 139-163.

<sup>4</sup> Harrington, *The Commonwealth of Oceana*, 23.

decide, since it represents the interest of only a small part of the political body. The decision must then remain with the people, the natural agent most qualified to decide about public interest:

As the council dividing consisteth of the wisdom of the commonwealth, so the assembly or council choosing should consist of the interest of the commonwealth. As the wisdom of the commonwealth is in the aristocracy, so the interest of the commonwealth is in the whole body of the people.<sup>1</sup>

The ideal would be to gather the whole body of the people in a public place to decide on the senate's proposals. Since this is impossible in modern nations with a large population or immense territorial extension, the best solution is the establishment of an assembly of the people, which would congregate their representatives, chosen in free and periodic elections to decide in the name of the people. In addition to voting on the proposals submitted by the senate, decreeing the laws, the assembly of the people would also have the function of interpreting them, since it sanctioned them.

Harrington denominates the two assembled councils as Parliament, the body in which the sovereign power lies, because it is responsible for the Commonwealth's legislation. Public interest will be established when the laws are the result of these two councils. The senate, where the most competent citizens meet to discuss, evaluates the problems and proposes solutions. The assembly of the people, where the representatives of the people meet to vote on proposals received from the senate, decides and enacts the laws. The senate would thus be prevented from pushing through legislation purely in its own interest because the popular assembly would veto such proposals, and it would be actively encouraged to propose legislation in the interest of the common good because those measures would be more likely to be approved by the lower house. Thus, the initial problem—how to ensure that laws made by individuals motivated by their own interests establish the public interest—is resolved by the institutional mechanism separating debate and decision in the legislative process.

Harrington also proposes a magistracy to execute the enacted laws, but does not specify who should be responsible for it. What matters is to ensure that the magistrate in charge of the executive function acts according to the laws

<sup>1</sup> Harrington, *The Commonwealth of Oceana*, 24.

sanctioned by the assembly of the people, so as to be accountable for his actions. By this means, the advantages of the bicameral system of legislation are not lost through arbitrary application of the laws.

In his constitutional model, there is no great concern about the place of the judicial function, which is exercised either by the magistrate, such as in civil and criminal judgements, or by the assembly of the people, as in cases of appeals and last appeal decisions. Harrington recognizes that enacted laws are not capable of predicting all events and admits the use of some discretionary power in the judicial function. This has to occur either in the cases of a legal vacuum, when the judgment has to be made without sufficient legislative coverage, or in those that imply a multiplicity of laws, where the judgment has to reconcile different legal norms. For this discretion to be as little damaging as possible to the people's freedom, he proposes two strategies. The first is to have synthetic and brief laws, which leave little room for the judge's discretion. The second is to constitute a judiciary court with members elected periodically by the principle of alternation. Harrington also suggests rotation of office to prevent or check the corruption and sedition of individual deputies and officeholders. Rotation is his response to the old adage that power tends to corrupt, and his way of preventing deputies and officeholders from acting in their own interests.

The constitutional model proposed for popular government is then associated with the mixed constitution of ancient prudence,<sup>1</sup> since it is constituted of a senate that proposes the laws (aristocratic principle), an assembly of the people that decrees them (democratic principle), and a magistracy that executes them (monarchical principle).<sup>2</sup> Harrington asserts that his model was established by divine will in the constitution of the Commonwealth of Israel. There was a senate, composed of a council of elders elected by the people, an assembly of the people, which were periodically gathered to deliberate, and a magistracy responsible for the execution of the laws. The same model could be observed in the constitutions of the ancient republics, particularly in Athens, Sparta, Carthage and Rome, as well as in modern ones, such as Venice, Switzerland and Holland.<sup>3</sup>

<sup>1</sup> Harrington, *The Commonwealth of Oceana*, 25.

<sup>2</sup> See Arihiro Fukuda, *Sovereignty and the Sword: Harrington, Hobbes, and Mixed Constitution in the English Civil Wars* (Oxford: Clarendon Press, 1997), 96-110.

<sup>3</sup> Harrington, *The Commonwealth of Oceana*, 25-29.



### 3. From the mixed constitution to the modern separation of powers

Nedham and Harrington presented their form of popular government—which enabled the manifestation and achievement of the public interest by creating separate branches in government—as a version of the mixed constitution proposed by ancient philosophers and historians. However, their proposals departed from the classical ideal of mixed government, which was characterized by the integration and interaction of the various parts of the body politic,<sup>1</sup> to propose the division of government responsibilities into distinct branches to prevent any one branch from exercising the core functions of another. Thus, they prefigured the constitutional government of modern republics.

In *The Laws*, Plato advises the legislator to avoid the dangers of either excessive authority or freedom, respectively associated with monarchy and democracy, the two constitutional patterns from which all other forms of government are derived. The legislator should create an intermediate political regime capable of preventing extremes. He should establish institutional mechanisms that merge the conflicting pretensions of the political body, balancing and neutralizing them through a wise constitutional arrangement.<sup>2</sup> If the excess of power in a monarchy can lead to oppression and tyranny, the immoderate desire for freedom in a democracy can lead to license. Therefore, the legislator must find a constitutional model that prevents the extremes that destroy the political body, as in the cases of Persia and Athens.<sup>3</sup> A successful example had been given by the legislator of Sparta who avoided the excess of authority and freedom by establishing a constitution that merged the different parts of the political body according to the axiological criteria of just measure. He established a mixed constitution (*politeia mixis*) in which the political power was distributed among different agents, which were endowed with the authority to regulate and control one another.<sup>4</sup>

<sup>1</sup> See Kurt Von Fritz, *The Theory of the Mixed Constitution in Antiquity* (New York: Columbia UP, 1954).

<sup>2</sup> Plato, *Laws* (Cambridge: Cambridge UP, 2013) III, 690d-691d.

<sup>3</sup> Plato, *Laws*, 693d-696b.

<sup>4</sup> Plato, *Laws*, 701d-702b.

Aristotle, after analysing the constitutions most commonly adopted by the *Polis*, argues in turn that the best constitution (*aríste politeia*) is that which mixes characteristics of democracy and oligarchy. The two corrupted forms reflected the government of the two parties most commonly found in the political body: the poor, who see justice in the equal distribution of public power and demand equal political freedom; and the rich, who see justice in the unequal distribution of power, according to the capacity and merit of each one, materialized in wealth. The mixture between democracy and oligarchy is praised for including these two parts, avoiding the instability caused by the poor and the rich not getting a participation in the constitution compatible with their conception of justice.<sup>1</sup> By promoting the conciliation of the parts of the *Polis*, harmonizing them and subjecting them to the common good, the mixed constitution (*politeia mixis*) provided a stability, founded on the commitment of the parts to the realization of the common good, guaranteeing the golden mean which makes political justice possible.<sup>2</sup>

Unlike Aristotle, Polybius asserts that the best constitution combines the finest characteristics of the three pure forms of government. Each of them—monarchy, aristocracy, and democracy—develops inevitably into its degenerate form—tyranny, oligarchy, and ochlocracy—that is then replaced by another pure form, according to a natural cycle of constitutions (*politeion anakyklosis*). The cycle of constitutional changes (*metabole politeion*) is considered natural, a product of the intrinsic instability of political regimes, marked by the lack of control and restrictions in the exercise of the political power. In the course of time, excesses and abuses of power inevitably occur, leading to corruption in government. The only possibility of slowing down the constitutional changes, preventing the corruption of political regimes, would be the adoption of a mixed government, as Sparta and Rome did.<sup>3</sup>

Polybius attributes the prominence achieved by Sparta to the genius of Lycurgus, who created a constitution that combined the principles of the three pure forms of government, establishing checks and a balance among them. In his constitutional model, monarchy did not turn into tyranny, because it was coun-

<sup>1</sup> Aristotle, *Politics* (Cambridge: Cambridge UP, 2010) IV, 1293 b-1294 a.

<sup>2</sup> Aristotle, *Politics* IV, 1295a.

<sup>3</sup> Polybius, *The Histories* (Cambridge: Cambridge UP, 2012) VI, 3-9.

terbalanced by democracy and by aristocracy.<sup>1</sup> Rome likewise achieved stability and prominence by adopting a mixed constitution, which was not the work of a single legislator, but of a long and continuous improvement of its institutions. In the course of its tumultuous history, Rome acquired a government that combined elements of monarchy with its consuls, of aristocracy with its senators and of democracy with its tribunes of the plebs. Each had a relative autonomy. The consulate held the supreme executive power (*imperium*) to enforce the decrees of the senate and the people, and to conduct military actions with discretionary power. The senate drafted the laws, controlled the public finances and took care of external and religious matters. The people approved the laws, judged in the last instance and deliberated on war and peace. But there was also a mutual collaboration and a system of checks among them, in order to avoid any excess or deviant tendency.<sup>2</sup>

Cicero too warns about the inconveniences of the pure forms of government: in monarchy, the people are kept out of the participation in public offices; in aristocracy, the people are excluded from the deliberations; and in democracy, full equality becomes unjust inequality, by not distinguishing degrees of dignity and merit among citizens. Each form degenerates inevitably into forms of domination: tyranny, which is a regime of oppression; the dominion of a faction, which is a regime of venality; and the license of the multitude, which is a regime of insubordination. The degenerate form comes from the eruption of a corrupting principle, awakened in general by the uncontrolled exercise of power.<sup>3</sup>

Cicero praises the constitution that combines the finest characteristics of the three pure forms of government—the unity of command from monarchy, the wisdom of deliberation from aristocracy and the freedom to vote from democracy—without their inconveniences. The mixed constitution would avoid the flaws of each form—all leading to the destruction of the political body—and would preserve their virtues.<sup>4</sup> The best example of a mixed constitution was that of the Roman Republic, which put together the finest principles of the pure forms of government in a balanced way. The second book of *De re publica* is dedicated

<sup>1</sup> Polybius, *The Histories* VI, 10.

<sup>2</sup> Polybius, *The Histories* VI, 11-14.

<sup>3</sup> Cicero, *The Republic* (Oxford: Oxford UP, 2009) I, 27-28.

<sup>4</sup> Cicero, *The Republic* I, 29, 35, 45.

to the history of Rome in order to trace the development of this mixed government from the foundation of the city to its full manifestation in the republican period, with the political power being exercised in dependence and cooperation among consuls, senators and tribunes of the plebs.<sup>1</sup>

Thus, the mixed constitution was characterized by combination and interaction of the various parts of the body politic, ensuring their balance and integration. In another way, based on the vocabulary of interests, Nedham's and Harrington's schemes for popular government are marked by the separation and specialization of the government's functions. Their constitutional proposals are also different from the description of English constitution as a mixed monarchy, which was the prevailing constitutional theory during the English civil wars, mainly due to its adoption by Charles I in his *Answer to the Nineteen Propositions* (1642). Following Polybius' scheme, the royal document praises the existing government as a mixture of the three simple forms of government:

The experience and wisdom of your Ancestors hath so moulded this out of a mixture of these [monarchy, aristocracy, and democracy], as to give to this Kingdom (as far as human prudence can provide) the conveniences of all three, without the inconveniencies of any one, as long as the Balance hangs even between the Estates, and they run jointly on in their proper Chanell.<sup>2</sup>

It also indicates that the mixture could be seen in the joint participation in law-making: "In this Kingdom the Laws are jointly made by a King, by a House of Peers, and by a House of Commons chosen by the People, all having free Votes and particular Priviledges".<sup>3</sup> The main characteristic of the English mixed monarchy is the collaboration of the three Estates on the legislative process.

The statements of the *Answer to the Nineteen Propositions* were invoked in pamphlets emanating from parliamentary writers like Charles Herle, Philip Hunton, and Henry Parker, and from royalist writers like Henry Ferne, Dudley Digges, and John Bramhall, in order to support their cause. The disagreements were on the ultimate deciding will and the distribution of power between King,

<sup>1</sup> Cicero, *The Republic* II, 2-37.

<sup>2</sup> *The Nineteen Propositions Made by Both Houses of Parliament to the King Most Excellent Majesties: With his Majesties Answer Thereunto* (1642). In: *The Struggle for Sovereignty: Seventeenth-Century English Political Tracts*, ed. Joyce L. Malcolm (Indianapolis: Liberty Fund, 2000), 167.

<sup>3</sup> *The Nineteen Propositions*, 168.

Lords, and Commons. Despite some oppositions,<sup>1</sup> royalist and parliamentary writers alike accepted from Charles I the theory of mixed monarchy and, with less unanimity, the doctrine of the three estates.<sup>2</sup> So great was the popularity of the theory that its general acceptance was sometimes antedated, as when Thomas Hobbes attributed the coming of the civil war to the widespread belief that the powers of government were divided between King, Lords, and Commons in a mixed monarchy.<sup>3</sup>

Therefore, Nedham's and Harrington's constitutional proposals depart from the traditional principles of mixed constitution as well as from the description of the English mixed monarchy. Based on the vocabulary of interests, they prefigure the system of separation, independence and mutual control between the branches of government, which would later be adopted by modern republics.



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<sup>1</sup> For instance, see Robert Filmer, *Anarchy of a Limited or Mixed Monarch* (1648).

<sup>2</sup> See Michael Mendle, *Dangerous Positions: Mixed Government, the Estates of the Realm, and the Making of the Answer to the XIX Propositions* (Alabama: University of Alabama Press, 1985), 5-59.

<sup>3</sup> See part 2, ch. 29, §16 of Thomas Hobbes, *Leviathan* (London: Penguin Books, 1985), 236-237.

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*Quite Peculiar, "It is in your self-interest to find a way to be very tender",  
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