

Lecture 8. Sovereignty and polity

1. Introduction

In this lecture I am going to

- 1.1. Trace a line from theories of polity which
 - consider the principles that should guide those in office, and take responsibility for the polis;
 - take this question to be a variation on the Socratic question: how should I live? – the political question is: 'how should we live together? how should we organise ourselves?'
- 1.2. to theories of politics in the christian era which consider how the prince should be constrained by divine law
- 1.3. to theories of sovereignty as expressed
 - first by those like James I who saw himself in the tradition of 'divine right of kings' as god's appointed, executing god's divine rule, and hence as in some sense unconstrained by that of which he is the agent (laws);
 - second by theorists of absolute power – notably Hobbes, who derives his sovereignty absent divine sanction: for him sovereignty proceeds from men themselves.
- 1.4. Trace a line from Aristotle's concern with social constitution – the political problem of how to manage the conflicting material interests between social classes
- 1.5. to Machiavelli's positive politics of the *vivere libere* – the tumult of city life, the resistance of citizens to rulers, their demands
- 1.6. to Hobbes' theory of absolute power, the justification of which is the fear of tumult;
- 1.7. to Locke's theory of resistance to unjust rule.

Dates

- 44 bce Assassination of Julius Caesar; formation of triumvirate of Mark Anthony, Marcus Lepidus and Octavian
- 43 bce Execution of Cicero
- 42 Cassius and Brutus (JC's assassins) defeated at Phillipi
- 31 Octavian defeats Anthony and Cleopatra and becomes Emperor Augustus
- 23 Augustus suspends Consulships, makes himself 'imperium majus'

2. Polity to Monarchy Unconstrained.

- 2.1. Cicero's *Re Publica* gives way to Roman empire and imperial power. The Roman Emperors assume a special relationship with divinity.

In Hobbes' view (*Discourse on Tacitus*) the Emperor Augustus (Octavian, who comes to power after the collapse of the triumvirate), neither supported nor restrained by divine order, uses his own skills, or policy, to transform chaotic liberty of the republic, by means of violence, to the ordered model of the participate ...; Hobbes' admiration for Augustus's success at political founding

Machiavelli, Hobbes and Rousseau are all interested in the uses of religion; their accounts of the justification of order and rule are carried out without reference to religion; but religion has an instrumental value in the maintenance of that order and rule.

- 2.2. Augustine CD: CD BkV ch 24

'The true felicity of christian emperors': rule with justice, ... etc. For Augustine the christian god is a constraint on rulers.

obedience:

Bk XIX ch 26: people alienated from God must be wretched; ... as long as the two cities are intermingled we also make use of the peace of Babylon – although the people of God is by faith set free from Babylon, so that in the meantime they are only pilgrims in the midst of her. That is why the Apostle instructs the Church to pray for kings of that city and those in high positions, adding ‘that we may lead a quiet and peaceful life ...’ and when the prophet Jeremiah predicted to the ancient people of God the coming captivity he bade them ... to go obediently to Babylon, serving God even by their patient endurance... prayers should be offered for Babylon ‘because in her peace is your peace’ – meaning of course the temporal peace of the meantime which is shared by good and bad alike.

- Here we have an instrumental argument for obedience: the prince is necessary for peace and security; the good prince will be constrained by the divine word; the earthly powers must be endured on the path to eternal peace.

2.3. Aquinas on kingship: DRP:

‘Let the king understand therefore that he has received the duty of being to his kingdom what the soul is to the body and what God is to the world. If he reflects diligently on this he will on the one hand be fired with zeal for justice when he considers that he has been appointed to exercise judgement in his kingdom in the palace of God, and will acquire kindness and clemency for he will look upon all those subject to his government as though they were his own members. [36-7] ... govt of king like divine govt, can be compared to steering a ship; ... xvi: king should govern subjects in such a way that they live according to virtue... BkII, 1: found cities; III: supply food;

resistance:

‘in cases where it belongs by right to a community to provide a ruler for itself, that community can without injustice depose or restrain a king whom it has appointed, if he should abuse royal power tyrannically. ... Nor should such a community be thought disloyal if it acts to depose a tyrant even if the community has already pledged itself to him in perpetuity... if the right to provide a community with a king belongs to some superior then a remedy against the wickedness of a tyrant must be sought from him... If however there can be no human aid at all against a tyrant, recourse must be had to God, the King of all who is a refuge in time of trouble. For it is within his power to turn the heart of a cruel tyrant towards gentleness.... [20]

- nb Aquinas is vague about the circumstances in which people do or do not have the right ... He seems to take it to be straightforwardly a matter of fact, about the circumstances in which a ruler has been appointed: but how can we tell what rights a ruler who has not clearly and unambiguously been appointed by a people has in the face of their discontent?

2.4. James I of England, VI of Scotland, speech to the Lords March 1603:

‘I am the Husband, and all the whole Isle is my lawful Wife; I am the Head, and it is my Body: I am the Shepherd, and it is my Flocke: I hope therefore no man will be so unreasonable as to thinke that I that am a Christian king under the Gospel, should be a Polygamist and husband to two wives; that I being the Head, should have a divided and monstrous Body; or that being the shepherd to so fair a flock (whose fold hath no wall to headge it but the four seas) should have my flock parted in two.’

James I: letter to his son:

‘Learn to know and love God, to whom ye have a double obligation; first for that he made you a man; next, for that he made a little God to sit on His Throne, and rule over other men’ [McIlwain p12] ‘God gives not kings the style of gods in vain, For on his throne his scepter do they sway; And as their subjects ought them to obey, So kings should fear and serve their God again (verse intro to Basilikon Doron)

- Here James is identifying kingship with godhead, godship; requirement of the unity of the kingdom or commonwealth

Before moving to Hobbes' theory of absolute power which does absolutely without this divine will, I want to turn and talk more about this theme of unity, or dividedness.

3. Social Conflict:

3.1. Finley's reading of Aristotle – it is a virtue of Aristotle that he understands the social and conflictual basis of all political life.

Finley then reads historical evidence in this frame:

Social divisions are apparent in the political process. Who can compete is restricted by wealth. [PAW:63] Offices are financially burdensome. And politics is a full time activity. We can map the relationships between social division and political system [DAM: 13]

	rich	poor
few	<i>oligarchy</i>	
many	<i>plutocracy</i>	<i>democracy</i>

- There are shifting class relations, changes in political activity and behaviour and changes in the intensity of political participation.
- Indeed, politics can disappear altogether. [PAW:115] War or stasis can become the rule. [PAW:116]
- Conflict takes different political forms: quiescence, turbulence, breakdown, including *stasis*. [PAW:99]
- Within the established constitutional framework there is the outright struggle for power and influence, and also changes to the constitutional framework [PAW:101] (eg changes in the inclusions/exclusions of the polis; changes in office.)
- There is also explicitly political and constitutional conflict - between oligarchs and democrats, as in Athens.
- Classical politics had an all or nothing quality - the object being to destroy, not just beat, the opposition. [DAM:71]
- But Finley is anxious to establish that conflict is a virtue as much as a problem, and as well as a necessity. [DAM:73]

3.2. Machiavelli:

- Machiavelli's tolerance for violence is matched by his tolerance for disorder or tumult.
- Politics must deal with [perhaps proceeds from] the inevitability of clashes of interests. As Machiavelli sees it, from the politics with which he is familiar, the populace and the upper class will always be at odds. The upper class wish to dominate, the people wish to be free from domination.
- Critics of Rome lament the degree of disorder and tumult that by all accounts was common there. Machiavelli argues that 'if tumults led to the creation of the tribunes, tumults deserve the highest praise'. [I.4]
- Lets look at this from our C21 democratic point of view:
 - of course it is not credible that the excluded will simply accept their exclusion, on whatever grounds this exclusion is based or justified.
 - Machiavelli says: The serenity of Venice, based on an exclusionary establishment, an agreement made by just a fraction of those whom the agreement affects, is impossible.

- Machiavelli's analysis is from the point of view of the prince – the single person; or alternatively from the point of view of the republic – the public thing, the self-governing political authority. The point is: how to manage social and economic conflict so that there is political stability.
- By political stability is meant: management, by way of love, fear – both of the government, but mainly of 'the city'.

4. Resistance to rule.

right of resistance v right of resistance in particular setting

Hobbes: problem of breakdown of sovereignty
to which his response is:

- not divine word
- but popular authorisation
- a moment which institutes absolute power: the power to punish, but also the power to make law, to administer a militia [ch23], to distribute property and goods [ch24]

Locke: presence and limits of sovereignty – when, if ever, is it right to resist a sovereign?

Locke's intellectual context:

- King as executive officer of pmt – continental and Scots prot thought;
- but problem that this involves idea that
 - pmt is supreme over monarch;
 - or that pmt represents the people directly –
 - both of which are dangerously populist

Locke 2nd Tr, ch XIX, 220:

- To tell people they may provide for themselves, by erecting a new legislative when the old one destroyed – after the event;
- they also have the right to prevent it
- Governments are dissolved also when leg or prince act contrary to Trust –
- he then reiterates that the reason men enter society is for preservation of their property:

the people having reserved to themselves the choice of their representatives, as the fence to their properties, could do it for no other end but that they might always be freely chosen, and so chosen, freely act and advise, as the necessity of commonwealth, and the public good should upon examination and mature debate be judged to require. This, those who give their votes before they hear the debate, and have weighed the reasons on all sides, are not capable of doing. To prepare an assembly such as this... is certainly as great a breach of trust, and as perfect a declaration of a design to subvert the government as is possible to be met with.... [S 222]

'whenever the Legislators endeavour to take away, and destroy the property of the people, or to reduce them to slavery under an arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge which God hath provided for all men against force and violence. Whensoever therefore the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly or corruption, endeavour to grasp themselves or put into the hands of any other an absolute power over the lives, liberties and estates of the people, by this breach of Trust they forfeit the power, the people had put into their hands

The forfeiture of natural right, by a transgressor, generates despotic power, which is wielded by those who are transgressed against. Despotic power is rightful, although it is neither natural, nor agreed. [S.172]

5..

- our thinkers as structure busters –
- they articulate principles etc that come to be embodied in institutions of a later age –
- Common contemporary view of representative democracy as embodying right to remove governments ...
- Locke and Hobbes were preoccupied with reason to remove a ruler
- whereas representative democracy means we don't have to have a reason to remove a government