

5 Democratic Republicanism in the Early Modern Period

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This chapter aims to recover a specific intellectual tradition, a tradition that I describe as ‘democratic republicanism’.¹ I do so by focusing on four different early modern thinkers: Johan and Pieter de la Court, Baruch Spinoza, and Jean-Jacques Rousseau. I show that they were all part of the broader republican tradition unearthed by Quentin Skinner.² In other words, like better-known English republican thinkers such as James Harrington and Algernon Sidney, the De la Courts, Spinoza, and Rousseau prioritized freedom over all other political goods; and again like Harrington and Sidney, they argued that this crucial political good, freedom, could only be realized in a specific institutional context, that is, in a republic.

But, as this chapter shows as well, the De la Courts, Spinoza, and Rousseau differed from English republicans such as Harrington and Sidney in that they were more democratic (which is, of course, why I call them ‘democratic’ republicans). They were more democratic, first and foremost, in a very straightforward way: they were in favour of a relatively inclusive political regime that they themselves described as ‘democracy’. But I will also show that they were more democratic in a second and perhaps less obvious sense of the word, in that they were committed to majoritarianism, to the idea that freedom could only be preserved if the people – which meant, in the absence of unanimity, the majority of the people – was allowed to rule without restraint. This makes the ideas of the De la Courts, Spinoza, and Rousseau fundamentally

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² This chapter talks about the ‘republican’ rather than the ‘neo-Roman’ tradition, following Quentin Skinner’s own adoption of this terminology in his *Hobbes and Republican Liberty* (2008). This label refers to the same set of ideas as those described as ‘neo-Roman’ in *Liberty before Liberalism*.

different from those of Harrington and his acolytes, who were in favour of a mixed constitution, in which popular government was constrained by non-majoritarian institutions.³

By recovering democratic republicanism as a distinct branch of the republican tradition, this chapter aims to highlight, first and foremost, that early modern republicanism was a more diverse intellectual tradition than it is sometimes assumed.⁴ But I set out to make an additional and more normative claim as well: I argue that democratic republicanism offers a more robust and coherent alternative for the existing liberal consensus than Harringtonian republicanism. If we really are looking to the past to find coherent alternatives to the present, liberal consensus, then democratic republicanism rather than the more familiar Harringtonian republicanism is where we should look. More specifically, as I show, Harringtonian republicanism ultimately implies a negation of the cardinal tenet of republican thought – that freedom requires self-government – whereas the majoritarian democracy defended by the De la Courts, Spinoza, and Rousseau avoids leading us down that path.

5.1 Contextualizing Democratic Republicanism

The brothers De la Court are probably the least well known of the political thinkers discussed in this chapter.⁵ Johan and Pieter de la Court were hugely successful businessmen. The sons of migrants from the southern Netherlands, they ran a thriving textile company in Leiden, at the time one of the world's most important centres of the cloth industry. By their early thirties, they were among the wealthiest men of the Netherlands – which meant that they were among the very richest men of Europe and indeed the world. They engaged in risky business ventures, funding, for instance, a vessel to explore a trade route to the East Indies through the Arctic. (The venture failed.) And yet they found the time to think and write about politics. Johan, in particular, had developed an enduring passion for political philosophy during his time at the University of Leiden. When their business had become more established,

³ For the argument that an embrace of the mixed constitution was a key feature of early modern republicanism, in particular in the Anglo-American world, see Skinner 1998, p. 35. See also Pettit 1997, p. 179; and Viroli 2002, p. 5.

⁴ For a similar argument that the republican tradition is more diverse than it is often assumed, see Nelson 2004. Jonathan Israel also discusses a tradition that he labels 'democratic republicanism' in Israel 2001, but he pays little attention to their conception of freedom.

⁵ For an overview of the De la Courts' lives and intellectual careers, see Weststeijn 2012, pp. 25–68.

he decided to devote his 'superfluous time, which many waste in shallow company' (as his brother Pieter would later put it) to the study of political philosophy.⁶

When Johan died in his early forties, leaving several manuscripts to his brother, Pieter went on to publish them. In doing so, he did not just aim to honour his brother. He also rewrote Johan's texts extensively, thus showing that he too believed he had views worth sharing with the world. Between 1660 and Pieter's death in 1685, 'V. H.' or 'D. C.' (as their works were signed) produced an impressive number of political treatises, addressing, among other issues, the question of how to be free in a society or as a society. Unfortunately, all of these treatises were written in Dutch; their most important work, the *Political Balance*, appeared in German in 1669, but otherwise remains untranslated to this day. Hence, their work has remained largely unknown outside the Netherlands, even though they were among the most original thinkers of their age as Spinoza, for instance, recognized. (He described the De la Courts' *Political Balance* as an 'extremely shrewd' piece of work.)⁷

Spinoza was a younger contemporary of the De la Court's (Spinoza was born fourteen years after Pieter de la Court, ten years after Johan), as well as a fellow Dutchman.⁸ But having grown up as a member of the Sephardic Jewish community in Amsterdam, Spinoza moved in very different social circles from the De la Courts. Unlike the De la Courts, Spinoza lacked the benefit of a university education, although he briefly attended a Latin school in Amsterdam run by the freethinker Franciscus van den Enden. Nevertheless, after turning over the failing family business to his younger brother, Spinoza managed to establish himself as a respected philosopher and corresponded with famous scholars all over Europe. (Unlike the De la Courts, he had wisely chosen to write in Latin, thus making his work accessible to Europe's learned elite.) In the 1660s, he started working on a treatise on moral philosophy, the *Ethics*, which would eventually come to be considered his masterpiece. But around the same time, increasingly heated political debates in the Dutch Republic also led Spinoza to write two political treatises, the *Theological-Political Treatise* and the *Political Treatise* (although the latter remained unfinished).

⁶ Quoted in Weststeijn 2012, p. 52.

⁷ Quoted in Malcolm 2002, p. 46. For the reception of the De la Court's oeuvre, see Weststeijn 2012, p. 345.

⁸ For Spinoza's life and intellectual context, see James 2012.

With Rousseau we move to a different context.⁹ Born about a century after Pieter de la Court, in the Republic of Geneva, an independent city-state on the French border, Rousseau moved to France in his late twenties. With not much formal education to speak of, he hoped to make his fortune with a new system of musical annotation. These and other ventures failed, and Rousseau seemed destined for a life on the margins of Parisian intellectual life. But in 1750, at the age of thirty-eight, he unexpectedly became a famous public intellectual after winning first prize in an essay competition organized by the Dijon Academy. Rousseau went on to write about a wide variety of topics, including religion and moral philosophy, education, and linguistics, as well as producing several novels. But he also published extensively on politics, and eventually the *Social Contract* and other writings established Rousseau as a world-renowned authority in the field of political philosophy (as is illustrated by the fact that in 1770, he was commissioned by a group of Polish noblemen to draft a new constitution for their country).

In short, the De la Courts, Spinoza, and Rousseau were very different individuals, with dissimilar life experiences as well as divergent intellectual careers. Nevertheless, they had something important in common. All four thinkers were citizens of actually existing republics – the Dutch and Genevan Republics – and all four had good reasons to be critical of these republics and in particular of their exclusionary political systems. Established in the 1590s after a war of independence against the Spanish Habsburgs, the Dutch Republic had become an oligarchy by the second half of the seventeenth century, when the De la Courts and Spinoza wrote their most important political treatises. In the Dutch Republic, political power was monopolized by a self-perpetuating caste of ‘regents’ (literally, ‘rulers’). As second-generation immigrants, the De la Courts, for all their wealth, remained excluded from the real corridors of power. This was even more true of Spinoza, who, as a Jew, was automatically excluded from full citizenship rights in the Dutch Republic.¹⁰ Rousseau’s Geneva was also a narrow oligarchy: real power was exercised by the twenty-five patrician members of the small council. By the early decades of the eighteenth century, this situation had started to cause considerable dissatisfaction among the so-called bourgeoisie – Genevan citizens who were, to all intents and purposes, excluded from power. Rousseau, the son of a politicized artisan father, was deeply involved in this debate. As Helena Rosenblatt has shown, the *Social Contract* was written primarily as

⁹ For Rousseau’s life and intellectual context, see Rosenblatt 1997.

¹⁰ For this point, see Blom 2007, pp. 19–44. But compare Prokhovnik 2004, who argues that Spinoza was overall in favor of the political status quo in the Dutch Republic.

a contribution to the Genevan debate, with Rousseau taking the part of the bourgeoisie against the patricians.¹¹

In short, unlike the English republicans of the 1650s, who hold centre stage in Skinner's *Liberty before Liberalism*, the De la Courts, Spinoza, and Rousseau were not trying to transform an age-old monarchy into a commonwealth; instead, they were trying to reform from within republics that already existed, but that were, in their view, too oligarchic. That means that the intellectual opponents of the De la Courts, Spinoza, and Rousseau were not just royalists, as it was the case for the English republicans. Rather, their political arguments were also developed as a direct critique of the power monopoly established by patricians in both the Dutch Republic and in Geneva. That context, as we shall see, is crucial to understanding their ideas and, in particular, to understanding why they differed from the Harringtonian republicans.

5.2 A Commitment to Democracy

What were the main substantive claims of the De la Courts, Spinoza, and Rousseau? First and foremost, like Skinner's English republicans, all four thinkers here discussed prioritized freedom as a political good; they assumed, in other words, that the best political regime was a regime that offered the greatest amount of liberty. And again like the English republicans, they all agreed as well that a person could only be free in a republic, where the people ruled themselves rather than being ruled by someone else – by a king or prince. If you lived in a monarchy, even if you lived under a good king, who did not interfere in your life, who did not attempt to impose his will or preferences on his subjects, you could never be sure that he or his successors would continue to refrain from doing so. Hence you remained subject to the prince's will at all times and consequently lived in a condition of servitude. Or, to put this differently, in the view of the De la Courts, Spinoza, and Rousseau, individual freedom could not exist without collective freedom: the collective as a whole had to be able to vigilantly defend its interests for the individual to remain free.

In their *Political Balance*, the De la Courts illustrated this conception of liberty with a series of homely analogies and fables, including a fable about a man and his goldfinch. When the owner of the goldfinch left open the cage, the bird escaped, and the man was indignant: 'Why did you escape? Have I not taken excellent care of you?' he asked. 'Well yes',

¹¹ Rosenblatt 1997.

answered the bird, but I was not free, because 'I could not live according to my own will, and ... all my happiness or unhappiness depended continuously on your care or the lack thereof.'¹² Hence, the De la Courts concluded, a person could never be free in a monarchy, which was why the 'Greeks and Latins' had correctly identified this form of government with 'tyranny'. In a monarchy, they went on to clarify, 'subjects were obliged to live according to the will of their lord, just like a slave is bound to conduct himself according to the whim of his master'.¹³

Rousseau expressed very similar ideas. In the *Discourse on the Origin and Foundations of Inequality Among Men*, he explained that 'in the relations between man and man the worst that can happen to one is to find himself at another's discretion'. To submit to another's authority was 'to debase one's Nature, to place oneself at the level of Beasts that are the slaves of instinct, to offend the Author of one's being'.¹⁴ Like the De la Courts, moreover, Rousseau also made clear that the preservation of freedom in a political context required the introduction of institutions capable of submitting government to popular control. In the *Discourse on Inequality*, he described how the Roman people had become the 'model of all free peoples' as soon as it shook off the oppression of the Tarquins and started to 'govern itself'.¹⁵ In the *Social Contract*, he likewise explained at length how only a community that governed itself could allow its members to remain free, because this was the only community in which 'each man, while uniting with all, nevertheless obeys only himself and remains as free as before'.¹⁶

Spinoza's views on liberty, it should be noted, were more complex. In the *Tractatus Politicus*, he talked about freedom in a Stoic sense, as being in full, rational control of yourself. A free man, Spinoza here explained, was able to 'live as he chooses to live'. One could lose this freedom if another person controlled one's body, for instance by physically preventing a person to go where they wanted. But, Spinoza added, freedom could also be lost if another person controlled one's mind, hence a man was only 'altogether free insofar as he is guided by reason'.¹⁷ This in turn allowed Spinoza to argue – perhaps rather paradoxically – that obedience to sovereign power was compatible with freedom. A man who is really guided by reason, he explained, and hence is truly free, understands that peace is the most important thing for human beings. And in order to preserve the peace, all members of a community had to obey the sovereign power. This remained true even if the sovereign issued commands

¹² De la Court 1662, p. 318. ¹³ *Ibid.*, p. 309. ¹⁴ Rousseau 1997a, pp. 176–78.
¹⁵ *Ibid.*, p. 115. ¹⁶ Rousseau 1997b, pp. 49–50. ¹⁷ Spinoza 2002, p. 686.

that seemed at first sight unreasonable, for, as a rational man would realize, the overall benefit from having a sovereign was so great that it cancelled out any potential downsides.

These and similar remarks have led some commentators to argue that Spinoza had a positive conception of freedom rather than a republican one.¹⁸ But in other passages in his *Political Treatise* as well as in the *Tractatus Theologico-Politicus*, Spinoza made it crystal clear that, in his view, the existence of sovereign power in and of itself did not suffice to set men free. Rather, sovereignty had to be exercised by the community as a whole for a state to be free. Thus, responding to claims that monarchy offered more stability than popular government and was hence more desirable than popular government, he countered that ‘if slavery, barbarism, and desolation are to be called peace, there can be nothing more wretched for mankind than peace’. Or, as he put it elsewhere: ‘It is quite impossible to entrust absolute control of public affairs to any man while also maintaining one’s freedom.’¹⁹ Finally, Spinoza also signalled his adherence to the republican tradition by talking about Machiavelli as ‘a well known ... advocate of freedom’ who had given ‘some very sound advice as to how it should be safeguarded’.²⁰

As these remarks illustrate, the De la Courts, Spinoza, and Rousseau firmly belonged to the republican tradition unearthed by Quentin Skinner. But what makes them different from many other early modern republicans is that they were equally firmly committed to the idea that republican freedom could only be achieved in what they themselves described as ‘democratic’ republics. The De la Courts, to start with, put a great deal of emphasis on this point. Their major work, the *Political Balance*, weighed the advantages and disadvantages of three types of government: ‘monarchy’, ‘aristocracy’, and ‘democracy’. The De la Courts were of course adamant that freedom could never be achieved in a monarchy. But they put just as much emphasis on the idea that a people could never be truly free in an aristocratic regime. Even if one assumed (they explained) that the ruling aristocracy was truly an aristocracy – that is, that it consisted of the best or the wisest members of society – such a regime would still mean slavery for most.

In order to explain why they thought this was the case, the De la Courts relied on a particular and quite novel mode of reasoning: they started from the assumption that all human beings typically behave in a

¹⁸ Isaiah Berlin was the first to qualify Spinoza’s conception of freedom as ‘positive’, in his essay *Two Concepts of Liberty* (Berlin 2002). For a more recent iteration of this view, see Wes 1993.

¹⁹ Spinoza 2002, p. 720. ²⁰ *Ibid.*, p. 700.

'self-interested' manner. An aristocratic political regime, which gave all power to an elite, would therefore invariably end up ruling in the interests of that elite rather than in the general interest – or to put this in different terms, it would end up imposing its own, particular will on the people. Even a wise and well-intentioned elite, the De la Courts emphasized, would be tempted to impose its own preferences on the population at large rather than really taking everyone's interests into account. Hence, only a true 'democracy' or 'popular government', in which the decision-making power remained in the hands of the people, could allow for freedom – that is, a government according to the will of the people as a whole, rather than of a particular elite.²¹

Spinoza held much the same views, even though he expressed them in the language of social contract theory rather than in the language of interest. In the *Tractatus Theologico-Politicus*, Spinoza described a 'democratic' state as 'the most natural form of state, approaching most closely to that freedom which nature grants to every man'. 'For in a democratic state [Spinoza continued to explain] nobody transfers his natural right to another so completely that thereafter he is not to be consulted; he transfers it to the majority of the entire community of which he is a part.'²² In his subsequent political treatise, the unfinished *Tractatus Politicus*, Spinoza might seem at first sight to backtrack on this commitment to democracy, as he now argued that monarchy and aristocracy too could offer a certain degree of freedom to their subjects. But on closer inspection, it becomes clear that his political message nevertheless remained largely in line with that of the *Tractatus Theologico-Politicus*. For even though Spinoza was now willing to admit that a monarchy too could be a free regime, he also explained that this would only be the case if the king's power was made subordinate to an elected council that was to represent the people: 'We conclude, therefore, that a people can preserve quite a considerable degree of freedom under a king, provided that it ensures that the king's power is determined only by the people's power and depends on the people for its maintenance.'²³

²¹ [De la Court] 1662, pp. 518–21. It should be noted that democracy was defended unequivocally as the best possible political system only in the first edition of 1660. In later editions, these bold claims were walked back a bit: it was now claimed that 'an Aristocracy that is closest to the Popular Government is surely the best Government' ([De la Court] 1662, p. 661). But, in the De la Courts' definition, such an 'aristocratic' government was to include the overwhelming majority of the male population. To be excluded were women, children, foreigners, the deaf and mute, and those who lived off alms. See [De la Court] 1662, pp. 663–64.

²² Spinoza 2002, p. 531. ²³ *Ibid.*, p. 722.

Rousseau was more cautious than his Dutch predecessors in expressing his commitment to democracy. In the preface to the *Discourse on Inequality*, Rousseau described himself as an advocate of a ‘democratic government, wisely tempered’ (without really explaining what that qualification would mean).²⁴ In the *Social Contract*, by contrast, he explicitly denied that he was in favour of democracy and he described his preferred regime as an ‘aristocracy’. But what he meant by this term (it becomes clear when we read on) was not a government in which power was monopolized by a small elite, but in which the people as a whole exercised legislative power, while the day-to-day administration was in the hands of elected politicians – which is a kind of government that other early modern thinkers would have qualified as a democracy.²⁵

Of course, it is worth emphasizing that none of these thinkers were *modern* democrats, so they all continued to exclude substantial numbers of people from political power – more specifically women and servants. The De la Courts, Spinoza, and Rousseau, in other words, defended a conception of democracy that excluded over half of the adult population from political participation. Nevertheless, these thinkers did not believe that these exclusions had an impact on overall freedom, because they believed that women and servants should not be seen as fully independent beings. Hence, by not allowing them to participate in politics, they were not rendered any more unfree than they already were. Spinoza, for one, made exactly that point in his *Political Treatise*, describing women as the ‘natural inferiors’ of men and concluding that the subjection of women was legitimate because ‘women do not naturally possess equal right with men’.²⁶

5.3 A Commitment to Majoritarianism

The De la Courts, Spinoza, and Rousseau were *democratic* republicans, in short, because they were committed to the idea that freedom could

²⁴ Rousseau 1997a, p. 115.

²⁵ Rousseau 1997b, p. 93. But compare McCormick 2007. John McCormick here argues that Rousseau can be read as a defender of timocracy, rather than of popular rule. For counterarguments, see Putterman 2010, pp. 90–95.

²⁶ Spinoza 2002, p. 753. It should be noted that, occasionally, the De la Courts, Spinoza, and Rousseau used a different and more epistemic argument to justify the exclusion of certain categories of people. They sometimes implied that women were not enlightened enough to participate in government. This second claim might be construed as undermining the coherence of their overall argument that democratic self-rule is a necessary precondition for freedom, as it would imply that freedom instead requires the rule of a wise elite. On this issue, specifically in relation to Spinoza’s work, see James 2008.

only be maximized in a relatively inclusive political regime that they themselves described as 'democracy'. But that is not all there is to their political views. The De la Courts, Spinoza, and Rousseau were also committed democrats in the sense that they were in favour of what we would call majoritarianism – the idea that collective decisions should be taken by the people and by the people alone – which means, in ordinary circumstances, by the majority of the people. All three of them were adamant that legislative power, which was in their view the supreme or sovereign power, should remain in the hands of adult (male) citizens, who should be able to exercise that power without any external constraints.

It is of course well known that Rousseau was a proponent of this idea. In the *Social Contract*, he argued that sovereignty (that is, legislative power) should be considered inalienable, indivisible, and that it had no clear boundaries. He mockingly compared political thinkers who wanted to divide sovereignty with Japanese conjurers who, 'carved up a child before the spectators' eyes, then, throwing all of its members into the air one after the other, they make the child fall back down alive and all reassembled'. But in the real world, attempts to divide sovereignty could only lead to endless strife and the dissolution of the state. Therefore, Rousseau underlined, the social pact gave the body politic absolute power over all of its members, just like nature gave each individual absolute power over their limbs and body.²⁷

The De la Courts and Spinoza were just as adamant on this point. Spinoza for instance wrote in the *Political Treatise* that 'the body of the state must be guided as if by a single mind (and consequently the will of the commonwealth must be regarded as the will of all), what the commonwealth decides to be just and good must be held to be so decided by every citizen'. He also wrote that 'the sovereign power is bound by no law, and all must obey it in all matters; for this is what all must have covenanted tacitly or expressly when they transferred to it all their power of self-defence, that is, all their right'.²⁸ The De la Courts made very similar remarks. It was a 'rebellious heresy' to teach that 'sovereign power should be divided'.²⁹ Power, being indivisible, should always be united in one hand, or, what worked equally well, in one single assembly.

Now, it is especially this commitment to majoritarianism, I would argue, that fundamentally distinguishes democratic republicanism from

²⁷ Rousseau 1997b, p. 58. ²⁸ Spinoza 2002, pp. 691; 393.

²⁹ [De la Court] 1662, p. 31.

the more familiar Machiavellian or Harringtonian republicanism.³⁰ The ideal regime sketched by Harrington in his *Oceana* in many ways very much resembled the ‘democracy’ defended by the De la Courts, Spinoza, and Rousseau. Like the democratic republicans, Harrington was in favour of a regime in which all adult men with the exception of servants and the indigent had the right to vote; so all those ‘naturally free’ had the right to elect representatives which would in their name participate in the making of the laws. But Harrington also believed that there should be a check on popular power. More specifically, he believed that the representatives of the people should share their legislative power with a senate which was supposed to restrain popular power. This is what Harrington described as a ‘mixed’ or ‘balanced’ constitution: a constitution in which sovereign power was not exclusively in the hands of the people, but shared and constrained. We might therefore argue that Harrington advocated the introduction of a democracy with a strong countermajoritarian component; whereas the democratic republicans preferred a majoritarian democracy.

Some scholars have argued that a commitment to majoritarianism is so alien to the republican tradition that it places thinkers like the De la Courts, Spinoza, and Rousseau outside of that tradition altogether.³¹ At first sight, it seems as if there might be something to be said for that view. After all, in arguing against the mixed constitution, democratic republicans were drawing on a decidedly non-republican, and indeed, anti-republican thinker: Thomas Hobbes. The De la Courts had read Hobbes’s *De Cive* with admiration and they repeatedly referred to this text when, in their *Political Balance*, they defended the idea that sovereign or legislative power should be indivisible. Spinoza had similarly read *De Cive*, and his account of the transition from the state of nature to civil society clearly echoes Hobbes’s (although he was less explicit than the De la Courts in acknowledging this). Finally, Rousseau repeatedly referred to Hobbes in his *Social Contract*, and although he usually did so in order to disparage the latter’s ‘horrible system’, scholars generally agree that Rousseau’s political thought was deeply indebted to Hobbes as well.³²

³⁰ For Harrington’s life and career, see Hammersley 2019. For Harrington’s preference for the mixed constitution, see Harrington 1997, p. 10.

³¹ This argument has been made in particular with regard to Jean-Jacques Rousseau. See, for instance, Pettit 2013. Note that such strong claims have been avoided by Quentin Skinner.

³² For Hobbes as an anti-republican thinker, see Skinner 2008. For the influence of Hobbes on the De la Courts, see Weststeijn 2012, pp. 142–47; on Spinoza, Malcolm 2002, pp. 27–52. For Rousseau on Hobbes’s ‘horrible system’, see Rousseau 1997b, p. 163. For Hobbes’s influence on Rousseau, see Douglass 2015.

Yet, we cannot simply attribute the democratic republicans' rejection of the mixed constitution to the nefarious influence of Hobbes. Instead, I would argue, the democratic republicans' majoritarianism followed quite logically from their democratic-republican principles. Democratic republicans, as I will now go on to argue, had very good *republican* reasons for insisting on the indivisibility of popular sovereignty and hence on majoritarianism.

5.4 Defending Majoritarianism on Republican Grounds

In order to make that clear, I will first take some time to outline the claims made by Harrington in defence of the mixed constitution. So, what was the mixed constitution and what was it supposed to do? As I explained earlier, Harrington and his acolytes thought of the mixed constitution as an alternative to 'pure' democracy: a mixed constitution was a constitution in which ordinary people (as long as they were adult men and not servants) held sovereign power: they, or rather their elected representatives, had the final say over new laws. But the people were not supposed to exercise that power unrestrainedly. Hence, Harrington proposed a complex system in which legislative power was to be divided between two different councils: a popular assembly (described by Harrington as the 'prerogative tribe') and a senate. The senate was to be given broad powers: it was to play a crucial role in the legislative process (senators alone were to be able to propose new laws, which the popular assembly could then assent to, or reject); they would also elect all public officials who were to hold executive power.³³

The question that immediately arises is: Who was supposed to do this restraining? Who were the senators that were supposed to act as a check on popular power? Harrington made that crystal clear: he believed that the senate should be the preserve of elite members of society, what he called the 'aristocracy'. The aristocracy envisioned by Harrington, it should be noted, was not a hereditary elite. Quite the contrary, Harrington was vehemently opposed to any attempts to restore the House of Lords, with its hereditary membership, after it had been abolished in 1649. Instead, he proposed to reserve the senate for the wealthier members of society: its members would be selected from individuals who paid a higher tax than most. But this was not because he believed that wealth in and of itself made men better than other men. Rather, as he

³³ Harrington 1997, pp. 133–47.

explained, it was because only those with a high income had sufficient leisure to develop their intellectual capabilities.³⁴

Thus, in Harrington's view, the senate would represent the 'natural' aristocracy – the best and wisest members of society. The existence of such a natural elite was, in his view, axiomatic. According to Harrington, all societies were divided into ordinary men and men who were naturally wiser than others:

Twenty men (if they be not all idiots, perhaps if they be) can never come so together, but there will be such a difference in them, that about a third will be wiser, or at least less foolish than all the rest; these upon acquaintance, tho it be but small, will be discover'd, and (as stags that have the largest heads) lead the herd: for while the six discoursing and arguing one with another, shew the eminence of their parts, the fourteen discover things that they never thought on; or are clear'd in divers truths which had formerly perplex'd them. Wherefore in matter of common concernment, difficulty, or danger, they hang upon their lips as children upon their fathers; and the influence thus acquir'd by the fix, the eminence of whose parts are found to be a stay and comfort to the fourteen, is the authority of the fathers.³⁵

In Harrington's scheme, in short, a 'natural' aristocracy or enlightened elite would be given a power over the decision-making process that was wholly disproportionate to its actual numbers. Harrington believed that only in a constitution thus organized, laws would be made that were in the general interest or for the 'common good'.³⁶ If ordinary people would be able to rule unrestrainedly, their foolishness would encourage them to make bad laws, laws that would end up harming the community's interests. But by isolating the wisest members of society in a special assembly, the senate, where they could fulfil their natural role as 'counsellors of the people' and exercise paternal guidance over the decision-making process, this problem could be avoided.

This defence of the mixed constitution might at first sight seem rather instrumental; we might think that Harrington was in favour of the mixed constitution because he believed it was the best way to achieve *good* government. However, it is important to note that Harrington also believed that the restraint of popular power by an enlightened elite was necessary to protect the core value of republicanism: freedom. In Harrington's view, popular government, if unconstrained by an enlightened elite, could not be trusted to rule in the general interest. The common people, he believed, were too imprudent and short-sighted to

³⁴ Harrington 1997, p. 136. ³⁵ *Ibid.*, p. 23.

³⁶ For a similar argument by John Milton, see Rachel Foxley's chapter in this volume (Chapter 4).

govern in the general interest. Hence, unfettered popular rule would not lead to freedom for all but rather to tyranny, it would be just as arbitrary and whimsical as the rule of a despot. Or to put this differently, to make sure that one was under ‘the empire of laws and not of men’, the laws could not simply reflect the passions and short-sighted ideas of the common people, rather, the laws had to reflect ‘right reason’.³⁷

Such ideas, it is important to note, were wholeheartedly rejected by the De la Courts, Spinoza, and Rousseau. They were just as concerned as Harrington – and for much the same reasons as Harrington – that power should be exercised not according to the sovereign’s arbitrary whim or passions, but in the long-term interest of the community as a whole. But they had much more confidence in the ability of ordinary people to make good laws than did Harrington. According to the democratic republicans, non-elite citizens had both the necessary moral and epistemic qualities to rule in the genuine, long-term interest of the community. Hence, they did not need the paternal guidance of an enlightened elite, as Harrington proposed. The people themselves (or at least, adult *male* people) were enlightened enough to rule unfettered.

The starting point of the De la Courts’ political philosophy, as we have seen, was that all men behaved in a self-interested manner. (One of their favourite sayings, repeated throughout the *Political Balance*, was ‘Every cow licks her own calf.’)³⁸ Their main argument for popular government was therefore that concentrating power in the hands of the common people was the only way to make sure that government was exercised in the interests of the majority of the people, rather than in the interests of a privileged elite. But the De la Courts also tried to counter arguments that popular rule would lead to the rule of the unfit. Thus, they emphasized that one of the great advantages of popular government was that one could rely on the knowledge of *all* citizens, not just a small number. They did acknowledge that most ordinary citizens lacked sufficient knowledge to have an informed view of the affairs of state. But, they immediately added, since every man was born equally ignorant, this problem might be rectified by giving citizens a better education. (Or at least, male citizens. Women were reconsidered irrevocably unfit to rule by the De la Courts, as they were by nature more passionate and less reasonable than men.)³⁹

Spinoza made an even stronger claim for the wisdom of the common people. After discussing in the *Theological-Political Treatise* how the transition from the state of nature to civil society entailed a complete transfer of all one’s rights to the democratic sovereign, Spinoza went on to

³⁷ Harrington 1997, pp. 21–22. ³⁸ [De la Court] 1662, p. 563.

³⁹ *Ibid.*, pp. 530–77.

address the objection that this would land men in an even worse position than they had been in in the state of nature. Should we not have ‘grave misgivings’ (he asked) about ‘the danger involved in submitting oneself absolutely to the command and will of another’? The answer was no. First and foremost, Spinoza explained, a sovereign possessed the right of commanding whatever they wanted only for as long as they did in fact hold supreme power – that is, as long as they were able to command the allegiance of all citizens. If the sovereign lost this power, they also lost the right of complete command. Therefore, it was exceedingly rare, Spinoza commented, for governments to issue wholly unreasonable commands; ‘in their own interest and to retain their rule, it especially behaves them to look to the public good and to conduct all affairs under the guidance of reason’.⁴⁰

But Spinoza also offered a second argument to convince his readers that, in a democratic republic, there was no reason to fear for oppression. Democratic republics, he argued, had certain features that allowed them to govern more reasonably than other kinds of polities. In democratic governments, sovereign power was typically exercised by an assembly consisting of many individuals. Hence, such assemblies were likely to rule more wisely than a single person or small coterie, because they could draw on the insights of many different individuals. As Spinoza put it: ‘There is the further fact that in a democracy there is less danger of a government behaving unreasonably, for it is practically impossible for the majority of a single assembly, if it is of some size, to agree on the same piece of folly.’⁴¹

In his subsequent treatise, the *Tractatus Politicus*, Spinoza again defended the epistemic and moral qualities of popular government. The argument for popular rule, he claimed, was often met with ‘ridicule’ by ‘those who restrict to the common people the faults that are inherent in all mankind’. But this was wrong. Human beings were basically the same. It was not true that some were inherently better or smarter than others. (All men share in one and the same nature.) The common people often did seem very ignorant about affairs of state, Spinoza admitted. But this was not to be wondered, because they were typically kept in the dark by their so-called betters: ‘Important affairs of state are conducted without their knowledge, and from the little that cannot be concealed they can only make conjecture.’ In short, ordinary citizens were just as capable of ruling as elites; indeed, even more so, Spinoza concluded, because, as experience taught, ‘everywhere truth becomes a

⁴⁰ Spinoza 2002, p. 526. ⁴¹ *Ibid.*, p. 530.

casualty through hostility or servility, *especially* when despotic power is in the hands of one or a few'.⁴²

In his *Social Contract*, Rousseau came up with an even more elaborate and ingenious justification for the epistemic soundness of popular, majoritarian rule. He started out by acknowledging that citizens were often wrong about what would be in the genuine, long-term interest of the community as a whole. 'One always wants one's good', he wrote, 'but one does not always see it: one can never corrupt the people, but one can often cause it to be mistaken, and only when it is, does it appear to want what is bad'.⁴³ Nevertheless, Rousseau went on to argue, this problem was not as much of an objection to popular rule as it might seem at first sight. In fact, under the right conditions – notably, if the people were adequately informed, and if no factions had arisen – it was to be expected that the number of citizens with mistaken views about the common good would cancel out the number of citizens with the right views. Or, as Rousseau put it: 'If, when an adequately informed people deliberates, the Citizens had no communication among themselves, the general will would always result from the large number of small differences; and the deliberation would always be good.'⁴⁴

This defence of majority rule, as scholars now realize, must be understood as an early version of Condorcet's jury theorem – which today remains one of the most influential arguments in favour of the epistemic qualities of democracy. A few years after Rousseau's death, the mathematician marquis de Condorcet provided mathematical proof for Rousseau's intuition. As Condorcet explained, if one assumes that individual voters have to decide issues on which they have slightly more than average competence, the probability that the majority will hit upon the 'right' answer or decision is always larger than 0.5. The larger the size of the group of voters, the greater the probability that the decision of the majority will be the right one. When the decision-making assembly approaches the size of a small town – let's say, 40,000 individuals – that probability is near 100 per cent. From this it follows that democracy is highly likely to result in decisions in the public interest, or, as Rousseau would put it, to result in decisions that conform to the general will.⁴⁵

In short, when democratic republicans like the De la Courts, Spinoza, and Rousseau rejected the mixed constitution, this was not because they

⁴² *Ibid.*, p. 720. My emphasis. ⁴³ Rousseau 1997b, p. 59. ⁴⁴ *Ibid.*, p. 60.

⁴⁵ This reading of Rousseau as a precursor of Condorcet's goes back to Barry 1965, pp. 292–94. It was later elaborated by Grofman and Feld in their important 1988 paper. Note that Melissa Schwartzberg has recently argued that Rousseau's arguments for majority rule were not just based on epistemic reasons, but that moral considerations also played an important role. See Schwartzberg 2008.

thought popular majorities should be allowed to make idiotic or unjust decisions that harmed everyone or even a minority of their fellow-citizens. Instead, they believed that ordinary citizens were quite capable of making sure that the government was in accordance with the public interest or the common good; they were neither more selfish nor less intelligent than their betters. This allowed the democratic republicans to reject the view of Harringtonian republicans that the popular will should be constrained by an enlightened elite.

Now, the debate about the epistemic qualities of democracy is still going strong today. Political theorists such as David Estlund, H el ene Landemore, and Jason Brennan continue to disagree over the question whether the people or a wise elite is most likely to rule in the general interest.⁴⁶ It is not my goal here to stake out a position in this debate or to argue for or against either Harrington's or the democratic republicans' evaluation of the intellectual and moral capabilities of ordinary citizens. But I do want to argue that the position of the democratic republicans has the virtue of being more consistent than Harringtonian republicanism.

If you agree with Harrington that the natural aristocracy is better equipped to rule in the general interest than the people at large, then why bother with the mixed constitution anyway? Why not opt for rule by the enlightened elite without any input by the common people? Harrington's position, in other words, leads us on a slippery slope to the Platonic view that freedom can be best preserved by having an enlightened elite rule – or even a philosopher-king, if such a creature can be found. This means, in turn, that Harrington's defence of the mixed constitution leads to a negation of the cardinal tenet of republican thought: that freedom requires self-government. By contrast, no such conclusion follows if you accept the democratic republicans' premises. They believed that popular government leads to freedom for all – not just because it allows the people to govern itself, but also because unfettered popular rule is more likely to be in the genuine, long-term interests of the community as a whole than rule by an elite.

⁴⁶ Estlund 2008; Landemore 2013; Brennan 2016.