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CHAPTER EIGHT

James Harrington and the Rule of King People

J. C. Davis

This free born nation liveth not upon the dole or bounty of one man but, distributing her annual magistracies and honours with her own hand, is herself King People. [. . .]

The people for the rest shall elect their own magistrates, and be governed by their own laws having power also to appeal from their native or provincial magistrates, if they please, unto the people of Oceana.¹

However sympathetic James Harrington might have been to the royal predicament in the run up to the regicide, in defiantly democratic statements like these he applauded the vesting of those early modern marks of sovereignty, official appointments and the distribution of honours, as well as final judicial appeals, in the people rather than a single person ruling over them. Then, in 1648–9, he may have been attendant on the doomed King, now, in 1656, he was writing in the face of the Protectorate's moves back towards the rule of a single person with a council and parliament. England, in 1656, continued to wrestle with the instabilities consequent upon a series of viciously divisive and partisan civil wars and revolution. No one questions Harrington's preoccupation with that instability and its causes, nor his determination to provide structural and procedural solutions. Debate has swirled around the material basis of his analysis of England's troubles and prescribed remedies, whether his thought is republican or utopian, his debt

to Machiavelli and whether the primary influences upon him were Greek, Roman or Hebrew. Less attention has been given to his extolling the virtues of popular authority, to Harrington as a theorist of democracy. Confronted by England's chronic instability and in an age deeply suspicious of the many and profoundly hierarchical in its social attitudes and practices, how much of a democrat was Harrington?

There are a number of ways in which the Oceanic constitution he was proposing in 1656 appears quintessentially democratic. For instance, civil society was constructed and annually renewed by the full participation of all citizens in a sequence of ritualized decision-making processes rising from the parish to the national level. Annual musters of citizens or their representatives, at the parish, hundred (groups of ten parishes), county or national levels, elected civil office holders and representatives, as well as a militia, out of which was generated a sizeable standing army, with their officers (I–XII). Decision was invariably in the hands of popular assemblies at the national, county, hundred or parish levels. Such authority as was invested upwards was always at the will of the generality of the citizens, was revocable by them and was accountable to them. All officeholders (from parish constables and church wardens to judges, ambassadors and members of the Council of State) were elected for limited terms and obliged to vacate office for a period at the end of those terms. Rotation of office holders and representatives was for Harrington a key device to ensure the widest participation and to prevent the formation of cliques or parties amongst officeholders or even the development of an officeholder interest against the public interest. It guaranteed a perpetual or spherical motion, the circulation of the commonwealth's political lifeblood.

Military provision was by way of a democratic militia accountable to the people and in marked contrast with the armies which had emerged out of the recent civil wars (and indeed most armies since).² Parishioners voted to confirm the appointment of parochial clergy after one year's probationary service and the gathered congregations, to which liberty of conscience was extended, were also expected to elect their pastors (VI). A similar democratization of the judicial system was anticipated with juries as well as the judiciary elected and with the ultimate determination of judicial appeals by the popular assembly (169, 171: *A System of Politics*, 279–80, 289–90). The democratically elected administration of the county would, in the first instance, try all 'Crimes against the Majesty of the People', in particular high treason and the theft or misuse of public funds.³ All conciliar decrees were subject to confirmation by the popular assembly and, even *in extremis* the Dictator, charged with dealing with emergencies, was subject to the approval and review by that body (XIX).

Not only was citizen control maximized but the qualification for citizenship, although, as we shall see, limited, was politically, religiously and – to a degree – economically inclusive. Indeed Harrington was very sensitive to the potential of deference in seventeenth century society (149–50) and took steps

to mitigate it. The majority of seats in the popular assembly were reserved for representatives of the less affluent, and the secret ballot (XIV) and salaries for official duties were designed to prevent undue influence by the rich. Yet the leisure for study and travel (and thence the acquisition of political wisdom) which wealth could confer also had a political importance for him. The purpose of his Agrarian Law (XIII) was to maintain the balance of land ownership on a popular basis while preserving an aristocracy, incapable of overbalancing the many but equipped to provide wisdom and direction in formulating the public interest (23, 141, 280). Above all, Harrington was antipathetic to party (which reduced the public interest to partisan interest) and to demagoguery (which could divert the popular will from its instinct for the public interest). Frequent elections, rotation and vacation of office were designed to eliminate party while the restriction of debate to the senate and decision to the popular assembly in a bicameral division of function were arranged to limit the scope for rhetoricians to influence, and possibly distort, the popular will. Over a triennial cycle, half of all adult citizens would be required to discharge some office in an administration run completely by the citizens and with some considerable local discretion.⁴ Such levels of participation in themselves embodied the will of the people in the operation of government and were intended to ensure a democratic ethos and ownership of the state.

Harrington was explicit about the theoretical underpinning of such a state. He drew the distinction between empire, or power, and authority. Empire was, he believed, in a reflection of the landed society he inhabited, a function of the ownership of land, which commanded obedience because of its potentially inexhaustible capacity to feed. If one person owned the balance of land, absolute monarchy was possible. If the few owned such a balance, oligarchy or, more likely, regulated monarchy should follow. Both those systems were unstable. Since the dissolution of the monasteries and the secularization of church property in the sixteenth century, the balance of land in England had swung on to a popular basis and therefore a commonwealth or rule of the many was possible.

But the stability of such a commonwealth (and commonwealths had failed throughout history) was dependent on skill in political architecture or constitutional design. Such design had to stabilize the balance of property and ensure the decisiveness of a popular will guided by, but not dominated by, the political wisdom of an elite whose fortunes would be protected while being prevented from subverting the popular balance of land ownership (11–18). His proposed republic was unique because it was an ‘Equal Commonwealth’ combining bicameral division of function, rotation, the secret ballot and an agrarian law constraining the transmission and acquisition of landed property so as to preserve the balance of land ownership in the many while sustaining a non-dominant landed elite. It was the historical good fortune of England in the 1650s that such a popular distribution of property also provided a basis in empire underwriting the superior legitimacy or authority of a popular commonwealth. Harrington argued that all law arose from

will and that formative will was the more legitimate if it were the will of the whole rather than of the part, just as the interest (which drove the will) of the whole was more legitimate than the interest of the one or the few.⁵ Like an interest theorist *avant la lettre*, he answered the question as to how irrational men could make a commonwealth of rational laws by pleading for a constitutional arrangement which would always give the upper hand to the common interest (19–23).

On the other hand, Harrington did set limits, or apparent limits, to what might today be regarded as democratic rights. The underlying criterion for citizenship was a good degree of self-rule or independence. Accordingly, not only children but women, servants (I), wastrels (III), bachelors (XII) and those who refused public or military service were excluded from citizenship as were those who were assumed to be *parti pris* (in the sense of already having a committed position which might blind them to the public interest). Amongst the latter, priests, physicians and lawyers were also deprived of citizenship (203–4). Those who remained as citizens were divided into the youth (aged 18 to 30) and the elders (those over 30). The militia was organized by and around the youth, while responsibility for civil office holding and representation were confined to the elders. What is extraordinary, and almost unique to Harrington (and we shall return to this later), is that he did not exclude former royalists or neutrals, who might have been expected to be hostile to a republican constitution, from citizenship.

In what might be seen as a further restriction on democratic freedoms, Harrington also limited political discussion. In the formal sense it was restricted to the Senate, whose members were elected from the wealthier equestrian class. They were to debate and propose. The more popularly based assembly was to decide ('yes', 'no' or 'not persuaded') on the Senate's proposals without further discussion. Canvassing and caballing were forbidden (XXIII, 167). The atmosphere of this republic was to be much more constrained and formal than that of most modern democracies but of course Harrington was seeking to avoid demagoguery, as well as partisan and confusing politics. There was some mitigation of the political silence outside of the Senate, some provision for a limited public sphere. The Academy of Provosts was to provide an open salon every evening for the informal but orderly exchange of political news and discussion by all comers (XIX) and every Tuesday the popular assembly attended a lecture on the constitution and its workings (XXIII). Moreover, the state made provision for two national theatres, four poets and a poet laureate (260–1). While protecting and funding a national religion, *Oceana* made widespread provision for the liberty of protestant consciences – Roman Catholics, Jews and the more extreme protestant sects being excluded. Finally, while a democratic and very intensive citizen engagement with office holding was a core operating principle, rotation and vacation of office, which were intended to prevent the development of parties, excluded some citizens, at least temporarily, from office.

It can be argued then that there was a balance, or tension, in Harrington's thought between democratic empowerment and limitations on political conduct in the name of political stability and the public interest. In part this might be explained by acknowledging that he was attempting to create a new second nature for man as a political animal (or an alternative political culture). The difficulty he saw was that

be the interest of popular government right reason, a man does not look upon reason as it is right or wrong in itself, but as it makes for or against him, wherefore unless you can show such orders of government as, like those of God in nature, shall be able to constrain this or that creature to shake off that inclination which is more peculiar unto it and take up that which regards the common good or interest, all this is to no more end than to persuade every man in a popular government not to carve himself of that which he desires most, but to be mannerly at the public table, and give the best from himself unto decency and the common interest. (22)

In any case, there was, as he put it in *The Art of Lawgiving*, no such thing as 'pure' democracy; the rule of the many would always require the input of the few.⁶ In the end it was the institutional and procedural structures of a well-designed or equal commonwealth (32–4) which would prevent anyone having either the power or the interest to disturb the government and go against the common interest.⁷

To fully appreciate Harrington's balancing of democratic freedom and its limitation, to grasp his thinking's singularity and what it shared with his contemporaries, we should locate it in its historical context. In the early 1640s the government of the Stuart monarchs dissolved into competing factions and civil war ensued. As well as wreaking havoc, that prolonged war embraced all four of their kingdoms in a massively punishing, internecine struggle which transformed many of the processes and institutions of government – eventually abolishing the Church of England, the monarchy and the House of Lords. But stability did not follow from the victory of parliament's armies in the civil war. Resistance continued and the victors fell out amongst themselves. In the seven years after 1649, the regicide and the declaration that England was a 'Free State' there had been five 'parliaments' under five different parliamentary systems, and in the autumn of 1656 yet another new constitution was under consideration. Loyalty to what existed was hard to come by and one response was to exclude those – and there were obviously many – who were of doubtful loyalty from citizenship. This might be done by direct exclusion or by the use of oaths or avowals to create a subscriptional civil community. So the Levellers – once much vaunted as advocates of democracy – in their final Agreement of the People excluded not only children, women, servants and alms takers, from citizenship, but also those unwilling to endorse the Agreement, thus creating something

equivalent to a one party state. Harrington criticized this kind of exclusion as divisive and creative of parties; the included and the excluded. In turn, his critics almost universally saw him as dangerously inclusive. The more famous republicans, like Milton and Sir Henry Vane, believed that stability, and probably virtue, required the exclusion of the majority from citizenship. Marchamont Nedham was deliberately blunt in pointing to his differences with Harrington:

To take off all misunderstandings; when we mention *the People*, observe all along, that we do not mean the confused promiscuous Body of the People, not any part of the people who have forfeited their Rights by Delinquency, Neutrality, of Apostasy, &c. in relation to the divided state of any Nation; for they are not to be reckon'd within the Lists of the People.⁸

Others like Henry Stubbe and Richard Baxter deplored the inclusiveness of *Oceana's* provision for citizenship, either because the time was not ripe for such generosity or because the ungodly would never be fit for civic responsibility.⁹

Harrington was equally concerned to offer guarantees of stability but he offered them in forms other than citizen exclusivity. His principal means were institutional structures and the processes, operating around and through them, which were designed to generate a convergence of practice, scripted, enacted and re-enacted in grand, almost-theatrical, annual, quasi-ritualistic cycles. It was 'not the people that are trusted, but the orders of the commonwealth'¹⁰ and, accordingly, an inclusive approach could be adopted in classifying people as citizens. The function of his political architecture was, in this respect, threefold. It guaranteed stability by ensuring that all citizens had some share in the exercise of power, some prospect of riches and some considerable freedom, the deprivation of any of which could lead to instability. Secondly, all citizens were engaged in functionally differentiated cycles of deliberation, decision or administration. The design was to 'take in the whole body by parts' (33), creating such a level of participation amongst citizens as to create a sense that the people were in possession of their own government, making all those qualified complicit in the operation of *Oceana's* political system. Finally, the system with its bicameral separation of debate from decision and its measures against party formation and a culture of partisanship was designed to ensure that the public interest would always prevail over private interests.¹¹

In classical political literature the rule of the many had frequently been associated with the threat of instability if not anarchy. For Machiavelli, Harrington's teacher, republican self-rule was inevitably associated with popular tumults. Harrington's approach to this perceived problem of democracy was to devise means to limit and control the people while giving expression and force to their collective will, to the rule of King People.

But, in doing this, he also protected them against deference, demagoguery, parties and their own ignorance, as well as against real power moving away from them in movements in the ownership of landed property. It was necessary to divide the people geographically and socially but by the standards of his time they were generous divisions and, by the same standards, his was an extraordinarily inclusive democracy. But, if it was to operate effectively, democracy could not be simply reducible to an inclusive franchise. Believing that it was the legislator's duty to presume all men wicked, he had a democratic faith that the people would choose the public interest, once it was identified and articulated for them and provided that they were protected from demagoguery and their manipulation by partisan interests. Most impressively, he attempted to design the constitutional machinery which would guarantee those protections. In an age of all-pervasive media manipulation and democratic deficit, this should be worth reflecting on.

Notes

- 1 References to *Oceana* and *A System of Politics* will be to J. G. A. Pocock, ed., *James Harrington: The Commonwealth of Oceana and A System of Politics* (Cambridge: Cambridge University Press, 1992). The two extracts heading this chapter will be found at pages 98 and 215 respectively. Page references to this edition will be given in parentheses throughout the text of this essay. The orders or constitutional rules of *Oceana* are similarly referred to in roman numerals.
- 2 For the context here see T. R. W. Kubik, 'How Far the Sword? Militia Tactics and Politics in the *Commonwealth of Oceana*', *History of Political Thought* 19, no. 2 (1998): 186–212.
- 3 See Charles Blitzer, *An Immortal Commonwealth: The Political Thought of James Harrington* (New Haven: Yale University Press, 1960), 245.
- 4 See J. C. Davis, 'Narrative Constitutionalism and the Kinetics of James Harrington's *Oceana*', in *Constitutions and the Classics: Patterns of Constitutional Thought from Fortescue to Bentham*, ed. D. J. Galligan (Oxford: Oxford University Press, 2014), 178–9; J. C. Davis, 'Reassessing Radicalism in a Traditional Society: Two Questions', in *English Radicalism 1550–1850*, ed. Glenn Burgess and Matthew Festenstein (Cambridge: Cambridge University Press, 2007), 360–2.
- 5 For a succinct statement of this position see James Harrington, *The Prerogative of Popular Government* (1658), in *The Political Works of James Harrington*, ed. J. G. A. Pocock (Cambridge: Cambridge University Press, 1977), 401.
- 6 Pocock, *Works*, 611.
- 7 *Ibid.*, 658.

- 8 [Marchamont Nedham], *The Excellencie of a Free-State* (London, 1656), 71.
- 9 Henry Stubbe, *An Essay in Defence of the GOOD OLD CAUSE* (London, 1659), Preface; William Lamont, ed., *Richard Baxter: A Holy Commonwealth* (Cambridge: Cambridge University Press, 1994), 12, 40, 80–1, 102–8, 128.
- 10 Harrington, *Valerius and Publicola* (1659), in Pocock, *Works*, 795.
- 11 J. C. Davis, 'Equality in an Unequal Commonwealth: James Harrington's Republicanism and the Meaning of Equality', in *Soldiers, Writers and Statesmen of the English Revolution*, ed. Ian Gentles, JoŸ Morrill, and Blair Wooden (Cambridge: Cambridge University Press, 1998), 138–40.