Popular Sovereignty in Historical Perspective

This collaborative volume offers the first historical reconstruction of the concept of popular sovereignty from antiquity to the twentieth century. First formulated between the late sixteenth and mid-seventeenth centuries, the various early modern conceptions of the doctrine were heavily indebted to Roman reflection on forms of government and Athenian ideas of popular power. This study, edited by Richard Bourke and Quentin Skinner, traces successive transformations of the doctrine, rather than narrating a linear development. It examines critical moments in the career of popular sovereignty, spanning antiquity, medieval Europe, the early modern wars of religion, the revolutions of the eighteenth century and their aftermath, decolonisation and mass democracy. Featuring original work by an international team of scholars, the book offers a reconsideration of one of the formative principles of contemporary politics by exploring its descent from classical city-states to the advent of the modern state.

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Introduction

Richard Bourke

Popular sovereignty is a key component of modern political thinking, yet a history of the concept has not previously been attempted. This volume does not pretend to offer a comprehensive treatment. It arises from a collaborative project involving scholars specialising across a range of periods—spanning ancient, medieval, early modern and modern political thought. What has emerged is not a continuous and exhaustive account but a series of chapters that analyse some of the principal developments that reshaped the history of the doctrine.

The term 'sovereignty' came into English from the old French word souveraineté, itself derived from the medieval Latin name for a superior, superanus. Etymology, however, is not a sufficient guide to meaning. For early modern writers trying to explicate the concept, it seemed necessary to place it within a constellation of terms stretching back into the Graeco-Roman past. For instance, in Chapter 8 of Book I of the 1583 French edition of Les six livres de la République, Jean Bodin renders souveraineté by the Latin noun maiestas.¹ In its most basic sense, this Latin word connotes grandeur or authority. For example, in Livy's history of Rome, in the process of recounting a conflict over the nature of dictatorial authority, the author refers to the 'standing' (maiestas) of the Roman senate.² Furthermore Cicero, in defining the crime of lèse-majesté in his manual on oratory, De inventione, emphasised that injury to maiestas involved a diminution of greatness (amplitudine), authority (potestas) and dignity (dignitas).³ Majesty combined dignity with dominion in this context. Dignity could also connote ultimate status, as in the invocation of the supreme authority of the Roman people (per maiestatem populi Romani) in Sallust's account of the conflict leading to the Jugurthine war.⁴ Sallust's description appears as part of a speech by the Numidian prince Adherbal, who was seeking assistance from the Roman senate.

¹ Jean Bodin, Les six livres de la République (Paris: Jacques du Puys, 1576; Paris: n.p., 1583), p. 122. (All page numbers cited in this introduction are from the 1583 edition unless otherwise indicated.)
² Livy, Ab urbe condita VIII, 34. ³ Cicero, De inventione II, xvii, 53.
⁴ Sallust, Jugurtha XIV, 25.
Adherbal stressed his position as an administrative deputy (*procurator*) under the superior authority of Rome. Explaining the implications of his subjection, he ascribed right (*ius*) and control (*imperium*) to the Roman people. Thus in the Latin of republican and early imperial Rome, *maistas* could be defined in terms of *potestas*, *ius* and *imperium*. Unsurprisingly, therefore, as early modern humanists such as Bodin set out to develop their own ideas about the nature of authority they became interested in the range of classical usage.

Bodin’s approach to understanding the nature of sovereignty was philological and analytical at the same time. His interest in philology prompted him to explore the varieties of past idioms while his faith in analysis impelled him to add precision to previous conceptions. He claimed that sovereignty was a feature of all political communities although its precise character had never been properly understood before. For that reason the notion could be found in all languages – in Hebrew, Greek and Italian, for example – although earlier jurists had failed to unravel the implications of its meaning. It was important to Bodin to emphasise that the Greeks had employed the concept, though like other cultures they had failed to use it with perfect consistency. Phrases such as *akra exousia* (supreme power) and *kurion archê* (authoritative rule), which frequently appear in the texts of the ancient Athenians, seemed to Bodin to point to the idea of sovereignty. But while the Greeks had the idea, he went on, they lacked a complete understanding of how to apply it consistently. As Richard Tuck has pointed out, the thought of Aristotle best exemplified Bodin’s criticism: as Bodin tells us in the *Methodus ad faciendum historiarum cognitionem*, Aristotle’s *Politics* had a name for sovereignty or *sumnum imperium* although the author ‘nowhere defines’ it. It therefore fell to Bodin to supply a definition. Towards that end, he explained the concept of *maistas* (or *sumnum imperium*) in terms of four universally requisite traits: such power had to be supreme, absolute, indivisible and perpetual. Then, in chapter 10 of Book I of *Les six livres de la République*, he presented the ‘marks’ (*marques*) or attributes of sovereignty as necessary entailments of these basic traits.

5 Ibid., XIV, 1–2.
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There was one attribute above all others that Bodin insisted on ascribing to the bearer of sovereignty, and that was the right of making laws. This right, however, required clarification since it did not stop at legislation as such, but included the privilege of declaring war and concluding peace, as well as the right of selecting the highest magistrates in the state. Bodin’s principal objective in setting out the attributes of sovereignty in this way was to elucidate the defining characteristics of princely rule. Thus neither democracies nor aristocracies were his primary concern. Nonetheless, he believed that the accuracy of his account of monarchical sovereignty could be tested against examples of other regime forms. According to an important passage in *Les six livres de la République*, the idea of supreme authority was founded on the distinction between subject and sovereign.\(^\text{10}\) This meant that a sovereign could not exhibit any characteristics of subjection without reducing the idea of sovereignty to absurdity. Given the pervasiveness of subordinate jurisdictions in monarchies such as France, sovereignty was above all evident in the subjection of these subordinate powers to the ultimate jurisdiction of the king. Bodin believed that this claim could be reinforced by comparing the relatively simple case of supreme authority under a monarchy with the operation of sovereignty in popular regimes. He therefore turned his attention to Athens and Rome, the two ‘plus grandes Républiques populaires’ that had ever existed, in order to show that the characteristics of supreme power were as applicable in the case of democratic regimes as they were in kingdoms.\(^\text{11}\)

The identification of popular sovereignty with democracy therefore begins with Bodin. Nonetheless, it is important to recognise that key elements of the modern concept were constructed out of classical materials. As Kinch Hoekstra makes clear in his chapter on fifth-century BCE Athens that opens this volume, writers such as Aristophanes and Herodotus had a clear conception of supreme unaccountable rule residing in the people. For Aristophanes in particular, if the *demos* were not to be overmastered by their leaders, they had to possess what he dubbed ‘tyrannical’ power. Tyranny might almost be thought to serve as a synonym for sovereignty here since it is understood as unitary, supreme and unaccountable at once. Yet later, when Bodin came to consider the rights of supreme power, he was careful to distinguish the legitimate use of sovereign authority from the practice of tyrannical government. Sovereignty, unlike tyranny, was a supreme *right*. Bodin proceeded to explain his argument by criticising Philipp Melanchthon on the nature of tyrannical power. According to Bodin, Melanchthon had confused the

\(^{10}\) Bodin, *Six livres*, pp. 214–15. \(^{11}\) Ibid., p. 224.
“rights” of sovereignty with the abuse of magisterial power. Sovereignty, Bodin argued, unlike tyranny, was bound by the laws of nature prescribed by God. While sovereignty was therefore juridically absolute it remained a morally subordinate power. That meant that while sumnum imperium was legally unaccountable it was nonetheless answerable for its conduct to the moral law.12

If sovereignty was obliged to act under moral constraints while nonetheless enjoying juridical supremacy, Bodin had yet to clarify whether it was subject to political control. A control on power in this sense could take one of two forms, as Bodin saw it; either the people could thwart the will of their ruler, thus restraining sovereignty by popular resistance; or else the exercise of sovereignty could be divided among distinct powers. Bodin firmly set his face against both options. In the first case, if the people claimed a right of appeal against sovereign authority, they were in effect ascribing supreme jurisdiction to themselves. This appeared to Bodin to involve a confusion of roles whereby the subject mistook its status as ultimately supreme. For the people to assert their supremacy was to claim their right as sumnum imperium. It might of course be the case, in a popular regime, that the people were indeed legitimately sovereign. But then, as with monarchical sovereignty, there could be no appeal against their final authority. For supremacy to function it had to be supreme.

Bodin was equally sceptical about dividing the powers of sovereignty, thereby subjecting supreme jurisdiction to practical restraints. Here he focused on criticising the views of Aristotle, Polybius and Dionysius of Halicarnassus. These writers distinguished among different ‘parts’ of sovereignty, with the implication that one part could limit the power of another. For Bodin, Aristotle was the most serious culprit in this regard since he went so far as to identify the parts of sovereignty inaccurately. Yet Polybius and Dionysius of Halicarnassus were equally misguided in so far as they built their constitutional theory on the false assumption that the parts of sovereignty could also be divided among different powers. Bodin accepted that legislation, the selection and control of officials, and the rights of war and peace could in principle be identified as distinct attributes of supreme power, yet he denied that these prerogatives could reside in distinct political bodies. How could one coherently deprive legislative power of the right to decide on matters of war and peace? In the same vein, how could the legislature not control the means of administration?

12 Ibid., p. 211.
Once again, Bodin was anxious to take issue with Aristotelian claims in particular. Above all, he disputed the idea that different parts of the state could somehow 'share' (metechein) in its sovereignty. For instance, if the attributes of sovereignty under a monarchy were diversely located, 'there would be no sovereign prince'. The same applied to the other principal forms of constitution: in a democracy or an aristocracy the marks of supreme authority could not be distributed among different parts of the constitution. Certain attributes of rule, such as administration and deliberation, might be exercised by distinct branches of government, but the supreme functions, like legislation and the control of magistracy, could not plausibly be held separately among distinct agents in the state. Thus, from Bodin's perspective, Aristotle was right to say in Book III of the Politics that supreme power (to kurion) must be in the hands of either the one, the many or the few. Yet he was mistaken when he argued in Book IV of the same work that its attributes could be variously shared.

Aristotle's argument was based on a division of the city into constitutive components. Every polity, he wrote, is composed of many 'elements' (mena). These elements consisted of social divisions within the community - between rich and poor, crafsmen and hoplites; farmers and traders. Different regimes variously reflected these distinctions, giving rise to assorted forms of government: democracy, aristocracy, oligarchy, monarchy and so forth. As Melissa Lane shows in her chapter on Aristotle's conception of democracy, constitutional forms can in part be defined in terms of two significant criteria: access to office on the one hand, and selection to office on the other. Aristotle recognised that deliberative councils, popular assemblies and the judiciary were essential to the operation of virtually every city-state. But he also emphasised the distribution of offices (archai) as a pivotal means of categorising regime forms. In one of the more extreme forms of democracy, which Aristotle describes in Book IV of the Politics, all power resides in the commerce between the assembly (ekklesia) and its demagogues (domagopi): decrees (pophismata) supplant laws (nomoi) and the authority of offices declines. Yet in Book III Aristotle also argues that the multitude (to plêsos) might be given prominence without such unfortunate consequences. This is where they are given access to power sufficient to pacify their ambition.

13 The idea of sharing or participating in power is pervasive in Aristotle, Politics, Books III and IV. For Bodin's critique see Six Books, p. 212.
17 Aristotle, Politics 1292a1–10.
without investing them with political control over all aspects of the polity. Specifically, they can be trusted with the power of electing governors to offices and holding them to account without allowing them to occupy the highest offices themselves.\(^{18}\)

Earlier in Book III Aristotle made plain that the exclusive predominance of the common people (to \(πλῆθος\)) in the city subverted constitutional government altogether. Legitimate government, he believed, was a system of rule designed to promote the ideal of justice in the polity. That goal could only be served by catering to the general advantage (to \(κοινὸν \ sumpʰerον\)). Correspondingly, it was undermined by the pursuit of factional or partial interests. Where the majority population (to \(πλῆθος\)) ruled for its own benefit, the welfare of the people (ho \(δῆμος\)) as a whole was undermined. As Valentina Arena shows in her chapter on the political thought of Cicero, the Platonic–Aristotelian conception of the republic (\(πολιτεία\)) as an arrangement of offices shared among different constituencies in the city underlies much of the analysis in De \(re\) \(publica\) and De \(legibus\). In the latter work, Plato’s Laws is singled out as the best guide to understanding the problems of legitimate rule. The Stoics, Cicero conceded, had also applied themselves to political philosophy, but not as a practical science. The empirical study of the forms of government was confined to Plato and his disciples, Aristotle being the most distinguished example.\(^{20}\) The centrepiece of the fourth-century BCE Athenian analysis was the mixed constitution, which blended the need for prudent or wise deliberation with the popular desire for equality. Aspects of that ideal were later adapted by the Romans.\(^{21}\) As Cicero put it in De \(re\) \(publica\), the \(civitas\) is made harmonious by establishing consensus between different orders.\(^{22}\) Arena shows how Cicero revised what he took to be the appropriate terms of that consensus between his work on De \(re\) \(publica\) and the completion of De \(legibus\). That involved reconsidering how the commonwealth (\(res\) \(publica\)) could best benefit the affairs of the people (\(res\) \(populi\)). This reconsideration led Cicero to develop a series of criticisms of populist provisions under the Roman constitution, including the process of election, the role of the censors and the status of the tribunes. Nonetheless, in both De \(re\) \(publica\) and De \(legibus\) the welfare of the \(populus\) as a whole is assumed to depend on constitutionally modified power. Moderation, based on some kind of accommodation between the

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\(^{18}\) Ibid., 1281b30–35, and Llane, Chapter 2 below.

\(^{19}\) Aristotle, \(Πολιτεία\) 1279a25–30.

\(^{20}\) Cicero, De \(legibus\) III, 14.

\(^{21}\) For discussion of mixed regimes in classical and early modern thought see W. Nippel, 
*Mischverfassungstheorie und Verfassungswirklichkeit in Antike und der Früher Neuzeit* (Stuttgart: 
Klett-Cotta, 1980).

\(^{22}\) Cicero, De \(re\) \(publica\) I, 45.
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liberty of the people and the authority of the senate, is the guiding ideal in both works. 23

Much of the moral framework standardly employed among classical conceptions of constitutional government was adopted by political commentators in the northern Italian city-states between the twelfth and fourteenth centuries. 24 Marsilius of Padua's Defender of the Peace stands out as a rich example. Written, as Serena Ferente emphasises in her chapter, at a time when popular regimes in the Regnum Italicum were succumbing to oligarchical manipulation and being squeezed by the rival claims of powerful overlords and the papacy, Marsilius turned back to Aristotle's Politics, translated into Latin in the preceding century by William of Moerbeke, in order to develop a conception of legitimate regime formation. According to the scheme developed in The Defender of the Peace, just rule was only possible under well-tempered constitutions. These should be based on consent and cater to the general advantage. 25 According to Marsilius, both these criteria were commonly observed in three distinct forms of government, corresponding to Aristotle's 'correct' constitutions. Amongst these correct forms was Aristotle's republic or polity (politeia) in which, as Marsilius described it, 'every citizen had some share' in the system of government. 26 Participation, he noted, was by turns; and also according to rank. This last point implied that different orders in the city could divide the governing authority between themselves. We have been emphasising that it was this kind of understanding that provoked Bodin into disputing the viability of mixed regimes. If sovereignty is 'indivisible', he asked, 'how could it be shared by a prince, the nobles, and the people at the same time?' 27

As Richard Tuck shows in his chapter on the idea of the sleeping sovereign in early modern political thought, Bodin's rhetorical question was made possible by a distinction between sovereignty and government. The distinction seems to be absent in the philosophical commentary of the Greeks. In a famous passage in the Politics, Aristotle had written that a constitution should be understood in terms of the 'organisation of the city in respect of its various offices, and especially of the most authoritative of all' (συνὲν δὲ πολιτεία πόλεως τάς τῶν τε ἄλλων καὶ μάλιστα τῆς κύριας πάντων). He went on: 'For the government is everywhere supreme over the city' (κύριον μὴν γὰρ παντοκράτος τὸ πολίτευμα τῆς πόλεως). 28 For Bodin, on

23 Cicero, De legibus III, 17.
the other hand, it was important to recognise that sovereignty rather than
government (poliscauma) was supreme. As Tuck goes on to show, Bodin's
analysis proved fruitful: in Rousseau the distinction between sovereignty
and government was still pivotal, being used to differentiate between
legitimately sovereign will (sumnum imperium) and specific acts of power
(administratio). Such acts were by no means insignificant manifestations
of authority. Magistracy was the quotidian means of policy imple-
mentation. Nonetheless, as Bodin, Hobbes and Rousseau emphasised, these
acts of government were authorised by an underlying power which they
called sovereignty. As Bodin first formulated the idea, an agent should be
distinguished from the authority that empowered it, with the result that
the authorising sovereignty had to be distinguished from the governing
agents acting in its name: 'the act of an agent (procureur) may be dis-
vowed if he has transacted even the slightest matter for another without
express permission (charge)'.

The idea that political magistracy was ultimately answerable to democ-
ратic sovereignty had a complex career ahead of it. It would prove highly
controversial during the constitutional debates that divided various par-
tisans during the French Revolution. Many of the terms in which this
later controversy was conducted were not, however, without precedent.
In the 1640s, for example, the role of the people in relation to gov-
ernment in England was heavily contested in the context of disputes
between Parliament and the Crown. As Alan Cromartie argues in his
chapter, opponents of the Crown could draw on a tradition of common-
law thinking to vindicate the adjudicative role of Parliament in securing
the rights of the subject. For advocates of parliamentary privilege such as
Henry Parker the defence of popular rights supplanted an older human-
istic emphasis on the role of government in the promotion of pubic
virtue. From Parker's vantage point, a desirable system of rule should
secure the liberty of the citizen rather than advance the moral perfection
of the community. This outcome was best achieved by the operation of
representation. Parliament, on Parker's understanding, encapsulated the
population at large. It was therefore seen as a virtual approximation of
the people and in that capacity entitled to supreme power: Parliament
was not a proxy but the embodiment of popular sovereignty. As Lorenzo
Sabbadini clarifies the point in his chapter, any initiative by Parliament
was a justifiable act of authority, even when opposed by the bulk of the
population. Parliament rather than the 'universality' whom it represented
was the bearer of popular sovereignty. As Sabbadini emphasises, it was

29 Bodin, Six libres, p. 227.
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this claim that Levellers such as John Lilburne and Richard Overton were
determined to contest by challenging the authority of parliament in the
name of the actual people.

Leveller publicists began by accepting Parliament as a vehicle for pop-
ular sovereignty, only to end up objecting to the ‘absolutism’ of the Lords
and Commons. Their anxiety about the tendency among representa-
tives to betray the desires of the population whose interests they were entrusted
with protecting encouraged them to champion self-ownership among cit-
izens in opposition to the unrestrained privileges of Parliament. At the
same time, they helped to entrench a growing uneasiness through the
1640s about the practicality of mixed regimes. Doubts about the viability
of dividing supreme power were entertained on both the Republican and
Royalist sides. In De Cive, Hobbes had been adamant that a ‘mixed state’
was a contradiction in terms.31 Yet to many European observers the estab-
ishment of a mixed system of government in Britain after 1688 seemed
to point to the possibility of just such an arrangement. It has been influ-
entially argued that the idea of absolute sovereignty was then ‘blunted’
in the eighteenth century as polemics strove to justify the principle of
moderate government.32 Between Montesquieu and the Federalists the
ideal of a respublica mixta became a potent political norm. It is none-
theless a mistake to see this widespread commitment to mixed government
as antithetical to the principle of summum imperium. In the 1766 version
of his Lectures on Jurisprudence, Adam Smith was happy to distribute
the rights of sovereignty among distinct organs of government: ‘With regard
to governments where the supreme power is divided amongst different
persons, there is no great difficulty in ascertaining when any one trans-
gresses the limits of his power.’33 In the same vein, in the mid-1790s
Immanuel Kant could distinguish between forma imperii, whose powers
were necessarily absolute, and forma regiminis, under which the powers
of government could be beneficially divided.34 Absolute sovereignty, it
seemed, could be exercised between different branches of government.

A preoccupation with sovereignty in the eighteenth century arose in
two distinct contexts. In the first place it emerged in connection with
the tribulations of imperial politics. From the late seventeenth century,

p. 152.
33 Adam Smith, Lectures on Jurisprudence, ed. R. L. Meek et al. (Indianapolis: Liberty
34 Immanuel Kant, ‘Towards Perpetual Peace: A Philosophical Project’, in Practical
p. 324.
the European balance of states was increasingly understood in terms of a balance of empires. Domestic power was usually seen as a function of the colonial and provincial assets appended by conquest or acquisition to the dominant political players in Europe. The extension of European government both eastwards and westwards into agricultural and trading settlements brought with it a range of subordinate jurisdictions. After the Seven Years War in particular, as subordinate authorities in India and America came into conflict with metropolitan powers, the rights of sovereignty emerged once more as a contentious topic in the politics of the period. In the second place, sovereignty was debated from around the middle of the eighteenth century in the context of disputes about the role of the people in relation to established powers. In Britain these debates intensified from around the middle of the 1760s as parties in Parliament began to mobilise opinion out of doors. The issues involved became still more pressing as insurgency in America after 1775 encouraged a posture of resistance among extra-parliamentary agitators and publicists in the metropole.

It has frequently been noted that popular sovereignty in America helped to inspire the language of opposition in Britain. However, as Eric Nelson argues in his contribution, popular sovereignty in the colonies could take a variety of forms, prominent amongst them being Patriot attempts to reconcile popular authorisation with the prerogatives of the Crown. For many who took issue with the Stamp Act and then the Intolerable Acts, the Revolution was a rebellion against the tyranny of the Westminster Parliament. As James Wilson, Benjamin Franklin, Alexander Hamilton and John Adams made plain in the 1760s and 1770s, Patriots in the colonies were openly alarmed by the British Parliament's claims to bind the will of subordinate legislatures in the Empire. This led to the denial that Parliament represented the Americans merely on account of 'virtually' securing their interests. Instead it was argued that representation had to be authorised by popular consent, whatever the form of government to which the people might pledge themselves. In accordance with this stipulation, the 1787 constitution of the United States combined a mixed system of government with a doctrine of popular sovereignty.

For this reason, when the ratification of the constitution was retrospectively discussed in the British House of Commons during the debate on the Quebec Bill of 1791, Whigs as diverse as Edmund Burke and Charles James Fox were happy to endorse its provisions.35 For both

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of them, the Americans had blended republican government with the sovereignty of the people. ‘Republican’, in this context, meant constitutional rule organised under a partition of civil powers. As Burke commented, with his mind increasingly distracted by contemporary developments in France, the British heritage in North America meant that the former colonists were better suited to the establishment of a republican constitution than the French. In his contribution to this volume, Richard Bourke argues that Burke’s analysis was heir to a Whig tradition of understanding that viewed the British people as having tacitly authorised the Crown-in-Parliament as the sovereign representative of the nation. Burke employed this conception through various attempts over a thirty-year period to reconcile parliamentary monarchy with imperial justice in the provinces. The ferocity of his response to the French Revolution needs to be seen in terms of his fundamental hostility to a rival doctrine of popular sovereignty. As Burke saw it, this doctrine had two characteristic components: it confused the sovereignty of the people with the supremacy of the multitude; and it preferred the unitary power of government to the norms of respublica mixta. But as Burke condemned what he saw as a newfangled conception of the authority of the people, a succession of French polemicists strove to reconcile this idea with effective government in a sizeable state.

To achieve this, opponents of the Jacobin republic in particular returned to the distinction between sovereignty and government. As Bryan Garsten shows in his treatment of this theme in post-Revolutionary France, critics of the committee of public safety such as Pierre-Louis Roederer sought to reanimate the ideas of Rousseau and Hobbes on the relationship between public administration and democratic sovereignty. The aim here was to reconceptualise the people’s supremacy in terms of the popular authorisation of government rather than the immediate retention of power in the hands of the multitude. In adopting this perspective, Roederer was building on the thought of Emmanuel Joseph Sieyès, for whom legitimate representatives united the people in virtue of their own unified decision-making activity. On Sieyès’ understanding, the devolution of power from the legislature to the populace by means of mandates or sectional agitation risked resuscitating the factionalism that he associated with the corporate structure of ancien régime France. Yet for Roederer, as Garsten shows, Sieyès’ preference for concentrating effective power in the hands of representative authority was in danger of reducing the flesh-and-blood membership of the state to the role of spectators under a nominally popular despotism. Roederer’s solution was

36 Ibid., col. 365.
to ground popular authority in the procedures of electoral ratification. However, as nineteenth- and twentieth-century experience would show, plebiscitary endorsement was as compatible with Caesarism as it was with liberal constitutionalism.

In the aftermath of the French Revolution, as ideological preferences continued to proliferate, debate about popular sovereignty was conducted under a variety of headings. As Duncan Kelly argues in his chapter on theories of the state in nineteenth-century Germany, from the 1820s the legitimating authority of the people was examined in connection with a range of issues, including national sovereignty, representative government and self-determination. It is clear that the ideas of 1789 did not constitute a radically new beginning – instead, the Revolution recycled older controversies in unfamiliar guises. Nonetheless, in being debated in the shadow of Revolution the old quarrels were prone to exacerbate the polarities out of which they first arose. In the ensuing atmosphere of recrimination across Europe, the idea of ‘national’ or popular sovereignty threatened empires with dissolution. At the same time, opposition to the principle of government by estates promised constitutional upheaval. Yet increasingly, both the partisans of established government and the adherents of Revolutionary republicanism advanced their cause under the banner of popular sovereignty, while subverting its significance to divergent interpretations. At the same time there was a degree of common ground: for Tocqueville and Saint-Simon alike, political centralisation compromised self-government; for both again, equality was an unstoppable telos of modern development. Yet the question remained of how government power could be made responsible to the community, and how the ideal of equality could be reconciled with existing social reality.

These questions were extended globally in the twentieth century by the process of European decolonisation. As Karuna Mantena observes in her contribution on theories of anti-imperial sovereignty, there has been a problematic tendency in the historical and political science literature to see this extension as a kind of ideological consummation. This teleological assumption has taken two principal forms: it has either been based on the idea that the modern nation-state represents the logical culmination of all previous regime types; or else, as in the writings of Elie Kedourie, it has been seen as an artificial norm imposed by an intellectual elite that was peculiarly ill-adapted to conditions in the colonial world.37 In this second case, while popular sovereignty is interpreted as a kind of hoax, the nation-state is nonetheless construed as a historical

norm. As Mantena shows, however, the idea that popular sovereignty in the provinces replicated developments in metropolitan centres occludes the range of alternative visions that played important roles in the struggle for colonial self-government. In India, as elsewhere, these included the image of empire as a collaborative enterprise rather than an edifice of alien rule. On this model, sansaraj (self-rule) might take the form of civil equality protected under the kind of federal superstructure that had been advocated in the settler dominions from the middle of the nineteenth century. Yet while this preference prospered in India in the late nineteenth and early twentieth centuries, it was gradually compromised by adverse reactions among imperial officials. As the attractions of liberal imperialism receded, commentators like the West Bengal academic Radhakamal Mukerjee began to associate self-government with local self-rule based on the diminutive structures of village and caste. This approach, which would also win the support of Mohandas K. Gandhi, was avowedly indebted to British pluralism. Congress, however, preferred to conquer the state rather than empower the peasant commune. As that ambition soared from the late 1930s, alarm about the fate of minorities under a prospectively majoritarian regime steadily rose, above all among Muslim activists and publicists.

That alarm reached its apogee in inter-communal strife leading to the Partition of India in 1947. Electoral majoritarianism under a centralised democratic state had bred conflict rather than consensus. As Timothy Stanton shows in his account of popular sovereignty in the age of mass democracy, debate about the capacity of liberal democracy to guarantee consensus intensified in the early decades of the twentieth century. In Germany, Max Weber's sobering claim that democratic politics remained in the last instance a relationship of ruling and being ruled served to focus attention on the dynamics of popular rule. The juridical fiction of a 'national' state might serve to foreground the duty of politics to serve the welfare of the people, yet it left unexplained how the common interest could best be practically served. For Weber, Hans Kelsen and Carl Schmitt alike, the political party was the prime instrument of popular government in the age of mass enfranchisement. For each of these observers, parties were certainly vehicles for expressing popular sentiment. Yet they also saw that rival parties embodied competing interests in society. Under Weimar, the intensity of the competition bred successive constitutional crises. For Kelsen it seemed that this fact should serve to foster the ideal of compromise in democracies. Yet for Schmitt it showed that parliamentarism could not deliver a stable representation of the people. This conclusion serves to remind us that the twentieth century was not characterised by the steady ascent of liberal democracy,
but by competing visions of popular sovereignty embracing Caesarism, state socialism, libertarianism and welfare liberalism.

Despite Schmitt's dire prognostications, parliaments and parties since the Second World War have for the most part provided stable frameworks under which the opposing interests of capitalist democracies can compete. Can this competition be said to yield the common interest? The only plausible tribunal entitled to answer this question has to be the people themselves. Yet how should the people be organised politically to deliver an impartial response? The people's power remains a form of power and is therefore open to abuse. How can such abuses be curtailed? This question was first posed in explicitly philosophical terms in Athens in the fifth century BCE. As the chapters in this volume cumulatively demonstrate, it lost none of its urgency for political thought over the succeeding two-and-a-half-thousand years.