

## I. Popular Sovereignty - When Monarchs Die

We no longer live in the era of *absolute monarchs*, hereditary rulers who welded countries together through warfare, marriage, and intrigue. Those kings and queens who remain are constitutional monarchs, figureheads who enjoy little real power relative to democratically elected legislatures and executives (more in Chapter 6). Yet European monarchs are familiar figures in our world history classes, from Charlemagne who forged modern France to Ferdinand and Isabella who united Spain to George III who resisted Britain's evolution to popular government. But monarchs were also found in Asia, Africa, and pre-Columbian South America. For centuries, the world's only experience with national government was the domination of the hereditary sovereign.

### A. The Anthropology of Sovereignty

The basic claim to sovereign control over the land and people is steeped in legends. An important example is the Biblical story of how the Israelites demanded that the Prophets give them kings like the surrounding peoples of the Middle East. In that story, the Prophet Samuel presides over the end of *theocracy* - rule by religious leaders -- and anoints Saul as the first secular ruler in a long line of Kings of Israel. For centuries, European monarchs and the Christian Church officials in Rome and Constantinople used this story and other legends as foundations for legitimizing monarchical rule. They wanted respect for

central government to take root in European societies to put an end to internecine civil war among competing warlords.

The political theory of the *divine right of kings* was an elaborate set of notions linked to legendary Biblical antecedents. In this political theology, the king or queen had two natures, one human and the other divine. Although the monarch might have human failings, these limitations were transcended by a special relationship that kings and queens had with God (Kantorowicz, 1957). Political icons from the period show the monarch attended by angels and the Apostles, with a divine messenger above his head and the veil of the temple in his hands. (See Figure.) In a highly religious and preliterate society, this was a powerful visual message that reminded all who saw it that the monarch was not like other people. Despite any human failings as an individual, God had ordained that kings and queens rule ever since Saul, and with the help of the Church, Divine Providence would guide the decisions of the state. Having ordained the institution of monarchy, God would not let it fail. And the established Church -- with its considerable lands and privileges -- would keep rulers on a short leash.

Non-European societies also had their divine ordination legends. The native populations of the pre-Columbian Americas believed in legends that claimed that their rulers were descendents of the sun or other cosmic deities. The rulers of ancient Egypt claimed to be gods. The political culture of Japan held that their emperor was divine up through the Second World War. Indeed,

religious myths about the state and the collaboration of religious and secular leaders are themes as widespread as the human experience and as old as recorded human history itself.

Today, we make light of the old European doctrine of the divine right of kings. Indeed, we can read about the 17<sup>th</sup> and 18<sup>th</sup> Century experience with monarchy and learn that it gradually became more limited and secular. The monarchs of that later time ruled in uneasy balance with a growing merchant class, literate subjects, nonconformist churches, and parliaments in which many political interests were expressed. And yet it is important to appreciate the roots of monarchy as a political institution.

## **B. Sovereignty Over Land and People**

The lands that the monarchs controlled were their *sovereign* (or exclusive) *domains*. An outside intruder upon the monarch's domain invited political or military retaliation. The boundaries of the kingdom were marked, and the king's soldiers monitored for any intrusions. In the age of monarchy, many people were tied to the land. If your property fell within the monarch's domain, then it and you were subject to his or her law. Your duties and responsibilities as a landowner were clearly defined by the rules of feudal relations. As a member of the landed gentry, you held title to your lands as a consequence of your relationship to the monarch. Your pledges of *fealty* were to support the ruler, provide troops in time of war, and pay your royal and church taxes. These acts

were evidence of your status as a loyal subject of the crown. The monarch's obligations were to protect your land claims, secure beneficial marriages for your offspring, and protect your civil rights with the king or queen's justice. Feudal relations were reciprocal and binding. The monarch as well as the subject was bound to respect the relationships of fealty, plus the precedents and traditions of previous rulers in dealing with subjects of the realm (Sabine, 1937: 207).

1. The Merchant Class. Merchants enjoyed a similar reciprocity in property rights through the enjoyment of royal patents, charters, and business licenses. The king or queen would recognize inventions, issue written permission for corporations to do business, and license specific business activities. Of course, they had help in the form of royal academies, boards of trade and commerce, and guild councils. And yet the permission to do business was issued in the monarch's name, and reciprocal obligations were identified in the paperwork. The growing merchant class was regulated just as was the landed gentry. The two would only gradually be able to ease the bonds of royal control.

2. Royal Justice. For a *subject* -- a permanent resident of the domain -- to violate the law of the land invited seizure of property, corporal punishment (torture), capital punishment (execution), or banishment (exclusion from the domain). Between sovereign and subject, obedience to the mutual obligations of feudalism was the law. To violate the rules would take you outside of the king or queen's justice; you would become an *outlaw*. Outlawed landowners and

merchants and their families lost their rights. Their privileged position as nobles of the realm was forfeited with conviction. The violator was punished, and the crimes of the parent were visited upon the children. Breaking the law upset the entire basket of relationships that held civil society together.

3. Church and State. The official church of the realm was the monarch's partner in controlling civil society. The Church benefited from the relationship in many ways. The monarch's tax collector could also collect the Church's tithes. Church lands were not taxed. Church business enterprises were not regulated. Clergy were exempted from service to the monarch. The official state Church prospered under most royalist regimes. In exchange, the Church upheld the monarch's claim to the throne, blessed the king or queen's marriage, recognized the line of hereditary succession, and even declared some military adventures to be "holy wars." To offend against the king or queen's law was also *heresy*. One jeopardized one's soul as well as one's civil rights when breaking the law. It was a very cozy relationship when it worked, and it was a very messy situation when it did not work. Witness the English King Henry's split with Rome over his marital gambits, a rift that led to the creation of a new official Church of England.

Religious nonconformists laid an important foundation for popular government in Western Europe. The Enlightenment notion of the separation of church and state grew out of a deep desire to let personal conscience guide the loyalties of the people. An official state church came to be viewed as an actual or potential instrument of tyranny over the freedom of conscience. By the time of

the English Civil War and the American Revolution, the legitimacy of secular government had to be established on its own merits. The ecclesiastical authorities were in no position to prop up an unpopular monarch. Kings and queens would have to come to terms with their peoples' representatives.

### **C. Less Absolute Government**

Changes in governmental form sometimes move at what seems to us like glacial speed. So it was with the reform of the European monarchies. Rulers cultivated the will of the people in gradual steps that to some must have seemed to painfully inch along. In England, Magna Charta -- the Great Charter -- was drafted by powerful barons and signed by King John in 1215. Reforms thereafter moved so slowly that Parliament and the English monarch Charles I (pictured) actually went to war in 1640. The middle class supporters of parliamentary government and noninterference with protestant religious practices rose up in an organized revolution. Each side had formal armies and rival institutions of government. Roughly one-third of the English populace joined the rebellion, while a quarter remained loyal to the king and the rest tried to sit out the conflict (Phillips, 1999: 47). The antiroyalists won the civil war, but their successes under Oliver Cromwell were short-lived. The English monarchy was restored in 1660, and the process of slow glacial reform resumed.

The English experience with a drift toward representative government is not unique. The monarchical tradition and its religious legitimation have died

hard. Privileged elites do not go quietly from their positions of power and control. Yet seeds of representative government sowed at the signing of Magna Charta and fertilized by the blood of patriots who fought with Cromwell have taken root worldwide.

At this point, we could continue to study the English experience, or we could look at reforms in France, Mexico, Egypt, or Thailand. Many countries have had a rich experience with representative reforms of monarchical systems, and each of the histories is interesting. But one of our purposes is to relate the experience of the United States to the broader world community. And the records of the American Revolution are replete with important insights into theories of representation. We can look to our own experience for lessons about political reform, and we hopefully can appreciate our founders' insights as much as have revolutionaries in France, Mexico, Egypt, and Thailand.

#### **D. The American Notion of Sovereignty**

Middle class, Protestant Anglo-Saxons, settled much of North America. They were largely merchants and farmers with few ties to the British monarchy or the gentry and clergy that supported it. To some, their immigration was a quest for a providential City on a Hill, a New Jerusalem, a promised land for God's elect. For others, coming to America was just a practical venture into economic self-sufficiency, a chance to escape European limits on opportunity.

Regardless of their motivations, the immigrants longed for and found a remote land where British government and Church officials would pay them little mind.

The growing mercantilism of the British Empire brought London officialdom and the American nonconformists into direct conflict. British policy was to use the colonies as sources of raw materials and markets for English manufactured goods. While a few Americans benefited from such a position, many more ignored government policy and explored economic opportunities where they found them. If they wanted to trade with the Indians or the French or each other, they did so with little regard for how their actions benefited or harmed British royal and commercial interests.

The British government and the American Loyalists who supported it tried to rein in the unruly rebel elements in North America. The Americans refused to disarm and guarded their armories. A civil war broke out in Massachusetts in 1776, and a full-blown revolution ensued shortly thereafter. With French help, an alliance of 13 of the mainland North American colonies broke free of British control. Canada, Florida, and the rich British Caribbean remained under London's control. The newly independent alliance of former British colonies dubbed themselves The United States of America. Their Articles of Confederation and Perpetual Union were ratified in 1781, but the document proved unequal to the tasks of nation building. A stronger Constitution was drawn up in 1787 and became effective in 1789.

1. Popular Sovereignty. The Americans based their notions of sovereignty on a bottom-up rationale of self-determination rather than a top-down philosophy like monarchism. The foundation of sovereignty for the North Americans was the free landholder and private property that he enjoyed (Pipes, 1999). Property owners were seen as free to associate and to draw up forms of government that served their purposes. For justification, intellectuals of the day asserted a natural right to self-determination that they asserted could be traced back to the days of the Roman Republic. Ordinary people needed little philosophical guidance; their natural rights were simply seen as God-given. Regardless, the people were sovereign and the form of government that flowed from their wishes was a *republic*.

2. Republican Control. The *domain*, or territory, of the republic was defined in its revolutionary moment and then its subsequent expressions of popular will. The 13 originally allied colonies formed a core. Other states entered the union after 1789 through actions of their representatives and the U.S. Congress. Canada and Florida were early targets of efforts to expand the union. Indian tribes to the west were conquered and their lands annexed. The republic would exercise sovereign control over the lands of those who subscribed to its rule and those who could not oppose it. And yet sovereignty came to be a doctrine that applied to the people's control -- and not a monarch's control -- over territory.

There were serious threats to the sovereignty of the fledgling United States of America. Britain invaded America in what came to be known as the War of 1812 and burned the new capital of Washington, DC. American ships suffered from the attacks of French privateers off our east coast and in the Caribbean, and we had to battle Barbary pirates in the Mediterranean. Border disputes with Mexico erupted every few years during the early 19<sup>th</sup> Century, and we almost went to war with Great Britain over the Great Northwest. But the country held together and was able to defend its national interests against foreign competitors. We made our sovereignty claims stick.

The United States has not always respected the sovereignty of other countries. We have invaded Mexico, Nicaragua, Cuba, the Dominican Republic, Haiti, Grenada, and Panama when it suited our national interests to do so. In the process, we have earned the reputation of sometimes being a bully in our own hemispheric neighborhood. We have also violated countries' national sovereignty in times of armed conflict when our global interests were at risk. Most of these military adventures were carried out under the pretense of international law, but the fig leaf of legality has often been small. We defend our national borders and understand why others try to do the same. Violating a country's sovereignty is almost always a violation of some principle of international law because nations are expected to respect each other's boundaries. Incursions certainly wound the pride of the people and cause long-term hard feelings against the aggressor. Political scientists cannot resolve the

problems of violated sovereignty, but we can try to understand its critical role in the legitimacy of the national state. Gross and frequent abuses of national sovereignty weaken the fabric of national claims across the board. If a world power can do its will in the territory of a smaller, weaker country, then where is respect for the rule of law that underpins modern notions of government?