

The Prothero Lecture, 2021

The Roads Not Taken: Liberty, Sovereignty and the Idea of the Republic in Poland-Lithuania and the British Isles, 1550–1660.

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It is a strange feeling, having studied history all your adult life, when you realise that you don't understand the history of your own country. I took courses on British and Irish History at St Andrews with Norman Gash, and Scottish History with Bruce Lenman and taught Tudors and Stuarts at A-Level for three years, but my research career has focused on the Polish-Lithuanian union. By 2004, when I returned to Scotland, I felt that I had a reasonable understanding of Polish-Lithuanian political culture, and that it might be interesting to investigate the political culture of the British Isles, whose kingdoms formed the other great parliamentary union of the early modern period.

I recall the moment when I realised that I understood nothing at all. I was reading the *Ius Regium* of Sir George Mackenzie of Rosehaugh, the great Scottish lawyer of the late seventeenth century: Lord Advocate, opponent of witch trials, persecutor of Covenanters, and founder of the Faculty of Advocates Library, celebrated in a memorial window in the National Library of Scotland to this day. I was jerked awake by the following passage:

What Nations under Heaven were so happy as we, under the Reign of King Charles the First?¹

¹ George Mackenzie of Rosheugh, *Ius Regium* (London, 1684), 2.

Now would that be the same King Charles I who managed to start at least two wars in each of his three kingdoms, who was sold to his English subjects by his Scottish subjects for the knockdown price of £400,000 sterling, and who ended up on the scaffold on account of his magnificent intransigence and refusal to compromise his exalted view of monarchy? Or was Sir George referring to another Charles I, living in one of Stephen Hawking's parallel universes, in which a benign and shrewd monarch governed peacefully and happily with the consent of his parliaments, cropped no ears, and kept his head on his shoulders?

What followed was even more perplexing:

Whatever proves Monarchy to be an excellent Government, does by the same Reason prove absolute Monarchy to be the best Government; for if Monarchy be to be commended because it prevents Divisions, then a limited Monarchy, which allows the People a share, is not to be commended, because it occasions them. I cannot but exceedingly commend our Predecessors, for making this reasonable choice of an absolute Monarchy; for a Monarch that is subject to the impetuous caprices of the Multitude when giddy, or to the incorrigible Factiousness of Nobility when interested, is in effect no Government at all... ²

I was intrigued by Mackenzie's assertion that his predecessors had *chosen* absolute monarchy, and by his trenchant attack on the classic Aristotelian and Polybian *forma mixta*, the mixed form of government, that combined monarchy with aristocracy and popular government and underpinned the idea of the Renaissance *Res Publica*. I had read enough to

² Ibid. 42.

know that before 1660 most British political theorists, far from endorsing absolute monarchy, spoke a language that I, as a historian of Poland-Lithuania, largely understood. In the British Isles, as in Poland-Lithuania, political theorists read the same classical authors: Aristotle, Polybius, Cicero, Seneca, Sallust, Tacitus and their ilk, although Tacitus was not as popular on the Vistula as he was on the Thames. They wrestled with the same age-old problems: what is the essence of good government? How can tyranny be prevented? In what circumstances can and should royal authority be resisted? And they drew on the wisdom of the Ancients to answer them.

The answers given by sixteenth-century writers in the British Isles seemed broadly familiar to me. The world of Sir Thomas Smith, of Philip Sidney—who remarked that Poland was a ‘well-balanced aristocracy’,³ or of George Buchanan—to whose *De Iure Regni apud Scotos* Mackenzie’s *Ius Regium* was a counterblast—did not seem far removed from that of Polish-Lithuanian writers, such as Andrzej Frycz Modrzewski, Andrzej Wolan, or Wawrzyniec Goślicki—Laurentius Goslicius—whose 1568 treatise *De optimo senatore* was translated several times into English.⁴

What road led the Scotland that had deposed Mary Stewart in 1567; the Scotland of George Buchanan and the 1638 National Covenant, to Mackenzie’s vision of absolutist

³ Markku Peltonen, *Classical Humanism and Republicanism in English Political Thought, 1570-1640*, (Cambridge, 1995), 47.

⁴ Laurentius Goslicius, *De optimo senatore libri duo* (Venice, 1568). There were two separate manuscript translations by 1584, and there were three further editions: in 1598, 1607, when part of the 1598 translation was issued under a different title; in 1660, when much of the 1598 translation was included in a regalist pamphlet, and finally, in the best translation published under the author’s correct name, in 1733. For the definitive account of the English translations see Teresa Batuk-Ulewiczowa, *Goslicius’ Ideal Senator and its Cultural Impact over the Centuries: Shakespearian Reflections* (Cracow, 2009).

Arcadia? What road led the England of Coke, Pym and Hampden; the England that executed its king and abolished monarchy in 1649, from the 1628 Petition of Rights and the 1641 Grand Remonstrance to the bleak dystopianism of Hobbes's Leviathan and the 1684 resolution of the Convocation of Oxford University, which welcomed Mackenzie's *Ius Regium*, and praised its author for 'the Service done to His Majesty'.⁵ Of course then, as now, the Convocation of Oxford University did not speak for all of Oxford, let alone all of England, while Mackenzie's views were by no means accepted by all his compatriots. Nevertheless, although Poland-Lithuania had its supporters of strong monarchy, such as Krzysztof Warszewicki or the Jesuit firebrand Piotr Skarga, it chose a very different road in this period, and I believe that I am safe in claiming that even Poland-Lithuania's most ardent regalists stopped well short of expressing sentiments remotely akin to those of Sir George Mackenzie.

The question of why the paths of political cultures that drank deeply at the wells of classical and Renaissance political thought should diverge so markedly in the seventeenth century is a serious, and I hope, an interesting one. The cynic might suggest that the reason many Scots and the Convocation of Oxford University were beguiled by Sir George can be encapsulated in two words: 'Oliver' and 'Cromwell', but the problem, I would suggest, is rather more complex. I hope that considering it comparatively might shed light on current debates in Polish-Lithuanian and British Isles history.

⁵ Clare Jackson, 'Sir George Mackenzie of Rosehaugh', *Oxford Dictionary of National Biography*, <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17579> accessed 20 May 2021.

Let me begin with a question that is central to what follows: what do we mean when we talk of early modern republicanism? On the banks of the Thames, where I am more or less sitting this evening, this is not an easy question to answer. This difficulty stems, I would suggest, from too little caution in reading back into this period more modern understandings not just of the term 'republic', but also of the term 'state'. Here, I believe the example of Poland-Lithuania helps to complicate the general picture of the idea of the republic in early modern Europe.

For this teleological temptation, as in so much, Machiavelli bears much of the responsibility, on account of the famous first sentence of his *Prince*: 'All the states and all the dominions under whose authority people have lived in the past and live now have been and are either republics or principalities'.⁶ Machiavelli's stark binary division between monarchical and republican forms of the state has encouraged scholars to stress a distinction that, I would suggest, took time to embed itself. Nevertheless, Quentin Skinner and Martin van Gelderen argue that 'whatever else it may have meant to be a republican in early-modern Europe, it meant repudiating the age-old belief that monarchy is necessarily the best form of government', adding that 'many republicans took it as obvious' that a republican constitution should eschew all traces of monarchical authority'.⁷

That Machiavelli's distinction gained traction in this period is undeniable, encouraged as it was by the 1581 repudiation of Philip II of Spain by the United Provinces

⁶ Niccolò Machiavelli, *The Prince*, tr. George (Harmondsworth, 1976), 33.

⁷ 'Introduction', Martin van Gelderen & Quentin Skinner, eds, *Republicanism. A Shared European Heritage*, 2 vols (Cambridge, 2002), i, 1, 3. Worden's position is set out in his many writings, and is summarised in his essay in volume 1 of this collection.

and by the Rump Parliament's abolition of monarchy shortly after Charles's execution. These acts indeed helped cement our modern understanding of republicanism, but as Skinner and van Gelderen admit, there were republicans who thought differently.⁸ Certainly, in Poland-Lithuania, the *Res Publica*, or *Rzeczpospolita* as it was known, was not understood to imply any repudiation of monarchy, although most Poles and Lithuanians would have agreed that pure monarchy was not the best form of government. Deep into the eighteenth century, they remained profoundly attached to the *forma mixta*, and saw their republic as its modern incarnation. I use the term republic deliberately. For although 'commonwealth', the early modern English translation of *res publica* is generally applied to the *Rzeczpospolita Obojga Narodów*, the Commonwealth of the Two Nations, as Poland-Lithuania termed itself after 1569, Poles and Lithuanians did not doubt that their polity was a republic of which the king was an essential component.

I use the term 'polity' rather than 'state' because this is another problem that bedevils study of the impact of civic humanism. Machiavelli's usage of *stato* indicates that already in the early sixteenth century something akin to our understanding of the term 'state' was emerging. By 1600, encouraged by Giovanni Botero's concept of reason of state, the idea of the abstract state as a juridical construct with a legal personality distinct from the person of its ruler or rulers, was becoming increasingly influential and was to become ever more so in the age of Richelieu and Hobbes. The Aristotelian *polis*, however, was conceived as a community of citizens, and to represent it as the same beast as the abstract

⁸ Including Machiavelli: in chapter two of the *Discourses on the First Ten Books of Livy*, he approvingly presented the republican form of government in terms of the classic Aristotelian forms of government, and recommended the mixed form of government, of which monarchy was a constituent part.

juridical construct of the state formed in sixteenth- and seventeenth-century Europe, is to confuse two rather different animals.

Long before 1550 Poles and Lithuanians grasped this fundamental distinction, as is demonstrated by the crucial clause in the 1569 Union of Lublin:

That the Kingdom of Poland and the Grand Duchy of Lithuania already form one indivisible and uniform body and are not distinct, but compose one common Republic, which has been constituted and formed into one people out of two states and two nations.⁹

The distinction drawn here between the Republic—the *polis*, the community of citizens—and the two states that formed it, for which the text uses the modern Polish word for state, *państwo*, was essential to the transformation of the union between the kingdom of Poland and the Grand Duchy of Lithuania, first established in 1386, into a stable partnership of legal equals, and a union of peoples that forged one republic, conceived as a community of citizens, not subjects of a sovereign monarch. The 1569 Lublin treaty ended a long argument that dated back to 1386 over the relationship between Lithuania and Poland. Lithuanians rejected the incorporationist Polish interpretation of the union, claiming that the Grand Duchy was an equal partner to the Kingdom of Poland. Civic humanism was crucial to the settling of this squabble. With its vision of a self-governing citizen republic, in which communal liberties were protected, it provided the intellectual framework within which Poles and Lithuanians could unite. As the values of civic humanism spread among the Polish

⁹ *Akty Unji Polski z Litwą 1385–1791*, ed. Stanisław Kutrzeba and Władysław Semkowicz (Cracow, 1932), no. 149, 358. My translation.

and Lithuanian elites after 1500, the road opened up to the triumph of the Lithuanian concept of union in 1569. Thereafter, the two states were legally distinct, with separate governments and armies, but a common parliament, the Sejm, and one monarch, elected jointly by the republic's citizens.¹⁰

Civic humanism also provided the intellectual underpinnings for the constitutional revolution that followed the death in July 1572 of Sigismund August, the last of the Lithuanian Jagiellon dynasty in the male line. The central vision of civic humanism, of a community of virtuous citizens defending their republic through the mechanisms of the mixed form of government complemented and completed an older, Polish tradition with deep medieval roots. Poland established itself as an independent kingdom in the eleventh century, but fell apart in the twelfth. It was partly reconstituted by Władysław the Short in 1320, but his son, Casimir III, failed to produce an heir. Casimir agreed to the succession of his nephew Louis of Anjou, King of Hungary, on his death, but he met resistance in 1370 when, as he lay dying, he sought to carve out a duchy for his legitimised grandson, Każko of Stolp. The rejection of this last fling of patrimonial monarchy established the principle that kings could not alienate any territory of the kingdom without the consent of the community of the realm, the *corona regni Poloniae*: the Crown of the Polish Kingdom. This distinction between the *regnum* as a state, and the *Corona Regni* as an Aristotelian *polis*, a community of citizens, was reflected in the 1413 Horodło union, in which the word *res publica* appears.

¹⁰ Robert Frost, *The Oxford History of Poland-Lithuania*, i, *The Making of the Polish-Lithuanian Union, 1385–1569* (Oxford, 2015), 492–4.

The authority of the community of the realm was entrenched when Louis of Anjou, who failed to produce a male heir, sought to ensure the succession of one of his two daughters to the Polish throne. The price was the 1374 Privileges of Koszyce, the first of the great grants of privileges to the Polish szlachta, the nobility. On Louis' death in 1382, however, the community of the Polish realm rejected Mary, the daughter Louis intended to succeed him in Poland, in favour of the 10-year-old Jadwiga, who did not succeed her father until she was elected queen regnant two years later. Elective monarchy was consolidated by the Krewo Act in August 1385, in which Jogaila, the 44-year-old pagan grand duke of Lithuania, agreed to convert to Catholicism as the price of his marriage to Jadwiga and his election to the Polish throne, which was followed in February 1386, initiating the Polish-Lithuanian union.

The elective principle was crucial for the protection of the expanding liberties of the Polish szlachta. Władysław Jagiełło, as Jogaila is known in Polish, fought to establish his hereditary right to the Polish throne in 1399 on Jadwiga's death, and in the 1420s, when—to everyone's surprise—he produced two male heirs in his mid-seventies with his fourth wife. He secured a promise that one of them would be elected to succeed him, at the price of agreeing the 1433 Privileges of Jedlnia. After 1386 Polish liberties were gradually extended to Lithuanian and Ruthenian nobles. Crucially, the elective principle was granted to the grand duchy in 1413. Jagiełło had installed his cousin, Vytautas, as grand duke in 1401 to govern Lithuania on his behalf, retaining the hereditary title of supreme duke. The 1413 Horodło union granted the Lithuanians the right to elect a successor to Vytautas.

Other privileges followed, notably at Nieszawa in 1454, which laid the foundations of the Polish-Lithuanian parliamentary system by establishing that the king could not call out the noble levy, without the consent of the local sejmiks, the dietines. The establishment of the rights of the sejmiks thus predated the definitive establishment of the Sejm, the central diet, which emerged as a bicameral body between the 1460s and the 1490s, whose powers were definitively established in 1505 with the statute of *Nihil Novi*, which decreed that no new positive law could be enacted without Sejm consent.

This system embodied the Roman Law principle of *quod omnes tangit ab omnibus tractari et aprobari debet* (that which touches all should be discussed and approved by all). The Polish institutions embodying this principle—the sejmiks and the locally-elected courts—were extended to Lithuania by the Second Lithuanian Statute in 1566. From the 1530s, statutes were printed in Polish, enabling politically active citizens to acquire what was often a deep knowledge of the law.

Renaissance republicanism fitted this tradition well, and inspired the constitutional revolution following the death of Sigismund August, on 7 July 1572. Many historians have presented the two interregna during which it took place in a negative light. It took nineteen months to elect and crown Henry of Valois and his escape back to France in June 1574, four months after his coronation, is often taken to indicate the impossibility of governing Poland-Lithuania. Henry's successor, Stefan Batory, was only elected after a largely senatorial faction had declared emperor Maximilian II king. The Lithuanians did not participate, and Batory was crowned nearly two years after Henry's flight, despite furious Lithuanian protests at this breach of Lublin. The 1587 election sparked a brief civil war before

Sigismund III Vasa was confirmed as king. In 1592, when Sigismund succeeded to the Swedish throne, it seemed as if he too was intending to flee and cede his throne to the Habsburgs. Sigismund did stay after the humiliating 1592 Inquisition Sejm, at which his conduct was robustly criticised. In 1606 his modest reform proposals provoked a full-blown revolt, a *rokosz* as it was known. This was a rebellion undertaken in defence of the law, which claimed to be constitutional. At its height, on 24 June 1607, in a camp at Jeziorna, Sigismund's deposition was declared, following the invocation of the principle of *de non praestanda oboedientia*, the formal right to withdraw obedience from a monarch who had broken his coronation oath, which had been included in the Henrician Articles, prepared for Henry of Valois, and sworn to by Batory and all subsequent monarchs at their coronations.

Hindsight, as Mackenzie's rosy view of the reign of Charles I demonstrates, can be profoundly distorting. What is impressive about the four years between 1572 and 1576, during which the union had a monarch for a mere four months, is the integrative force of the republican idea, and the capacity of the republic's institutions to cope with the absence of a king. There was no descent into anarchy. In a religiously divided age, during which France experienced eight civil wars over three decades, the republic reached agreement remarkably quickly over how to manage the election, and then how to deal with Henry's flight. In 1572–3, despite no precedents, and considerable opposition from some quarters, it was agreed that the Catholic primate, the Archbishop of Gniezno, should act as interrex. A Convocation Sejm, summoned to establish the form of the election, took the momentous decision to institute the principle that kings should be elected *viritem*, with every citizen having the right to participate; some 40,000 did so in 1573. Despite concern that the law was silent in the absence of a king, local sejmiks established special courts to judge the most

urgent criminal cases. After Henry scarpered, he was given a deadline for his return; when he failed to appear, he was deposed with little fuss.

That framework embodied the mixed form of government. In the bicameral sejm, the chamber of envoys, elected by the sejmiks, represented the popular element of the Aristotelian constitution. Its members, envoys not representatives, conveyed the wishes of the *populus* as expressed in the sejmiks and set down in the instructions with which they were furnished. These provided the basis for negotiation to reach the consensus necessary to agree legislation under the principle of unanimity which regulated sejm decisions, a principle that was steadily debased after 1660, but which down to 1648 functioned tolerably enough. The upper chamber, the Senate, comprising Catholic bishops, government ministers and the most important provincial office-holders doubled as the Senate Council, whose dual function involved giving counsel to the king, while acting as guardians of the king and the law—*custodes regis ac legis*—to ensure that the monarch, in governing, did not breach the laws that constrained his actions according to the Thomist principle of *Lex est Rex*: the Law is king.¹¹

Attachment to the system was profound. Poles and Lithuanians were confident that the *bonum commune*, the common good, would be protected so long as its principles were upheld by virtuous citizens. This vision of Renaissance republicanism was taken to be fully in accord with constitutional tradition, the Ancient Constitution, to use the contemporary English term. The king was a constitutive part of the Republic, but it could, if necessary,

¹¹ Igor Kąkolewski, *Melancholia władzy. Problem tyranii w europejskiej kulturze politycznej XVI stulecia* (Warsaw, 2007), 18.

function without him. There was no need for the mystic malarkey of the King's Two Bodies. As Piotr Zborowski, palatine of Sandomierz, put it when conveying the news of Sigismund August's death to the Sandomierz szlachta: 'It was no novelty for our ancestors that kings die, and must die; they understood that their republic was and must be eternal'.¹² From the interregnum following the death of Louis of Anjou in 1382, the szlachta had developed the institution of confederation, in which citizens bonded formally together and swore oaths to provide a legal basis for their political actions. The summoning of sejms and sejmiks was formally the prerogative of the king, but in the absence of a king, sejmiks confederated themselves to ensure that their decisions had a legal basis. As was stated by the general sejmik of the Ruthenian palatinate: 'although the king dies, authority does not perish'.¹³ Thus was the principle of Renaissance self-government institutionalised.

Civic humanism in the British Isles travelled down different roads. J.G.A. Pocock claims, indeed, that it had minimal influence in England until June 1642, when Charles I's reply to the Nineteen Propositions presented by the Long Parliament, constituted, according to Pocock, 'one of the keys that opened the door to Machiavellian analysis'.¹⁴ Charles, on

¹² Proclamation of Piotr Zborowski, palatine of Sandomierz, to the nobility of the palatinate concerning the king's death, 11 July 1572. *Henri de Valois et la Pologne en 1572*, ed. Marquis de Noailles, 3 vols (Paris, 1872), iii, 82.

¹³ *Chociaż król umrze, władza nie umiera*. Instructions of the knightly estate of the palatinate of Ruthenia, Wiśnia, 13 December 1572, in *Kronika za Zygmunta Augusta w Knyszynie, i inne dokumenty polityczne z czasów pierwszego bezkrólewia*, i, *Od lipca 1572 do marca 1573*, ed. Krzysztof Koehler (Cracow, 2016), no. 36, 293.

¹⁴ J.G.A. Pocock, *The Machiavellian Moment. Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975), 361. Pocock's view was based on that of Corinne Comstock Weston, 'English constitutional doctrine from the fifteenth century to the Seventeenth: II The theory of mixed monarchy under Charles I and after', *English Historical Review*, 75, no. 296 (1960), 426–443. For the Nineteen Propositions see John Kenyon, *The Stuart Constitution* (2nd edition, Cambridge, 1986), no. 68, 222–6.

the advice of two moderate royalists, Viscount Falkland and Sir John Culpepper, presented the English political system in terms of the classic *forma mixta*, in a gambit that Pocock considered to be ‘constitutionally incorrect and a disastrous tactical error’. Hitherto, Pocock argued, English interest in civic humanism was limited to the idea of the humanist as ‘counsellor to his prince’. He concluded that ‘the community of counsel does not become a republic in the acephalous sense...it remains a corpus of which the prince is head, a hierarchy of degree in which counsel is given by every man sitting in his place’.¹⁵

If Pocock is right, then in England—in contrast to Poland-Lithuania—civic humanism was impossible to accommodate within the Ancient Constitution, the medieval tradition of limited monarchy that was appealed to in the Nineteen Propositions, a tradition founded on Magna Carta, the common law, and Sir John Fortescue’s notion of *dominium politicum ac regale*, which drew on medieval ideas of lordship rather than humanism.¹⁶ Why should this be so? Was it also the case in Scotland, where George Buchanan, the great Scottish humanist and advocate of limited monarchy, showed little interest in the *forma mixta*, despite his belief that civic virtue was the key to political life, as Roger Mason observes.¹⁷

In considering this problem, I would suggest, we need to guard against privileging texts and opinions that seem to us to reflect a more modern mode of thinking over older patterns of thought. The desire of scholars for precision of thought can often hinder an

¹⁵ Ibid. 361, 338–9.

¹⁶ Weston, ‘English constitutional doctrines II’, 426.

¹⁷ Roger Mason, Introduction, in George Buchanan, *A Dialogue on the Law of Kingship among the Scot. A Critical Edition and Translation of George Buchanan’s De Iure Regni apud Scotos Dialogus*, ed. Roger A. Mason and Martin L. Smith (London, 2017), 132.

appreciation of the messy reality of what the Annalists termed collective *mentalités*. Lucien Febvre warns us about ‘our overriding need for logic, coherence and unity: this or that, not this and that at the same time’.¹⁸ It seems to me that in confronting the question I have put before you today we need to restrain our scholarly desire for conceptual precision: thinkers and politicians in such a turbulent age were not necessarily entirely coherent as they struggled to reconcile the political traditions and modes of thought inherited from their medieval forebears with the more recent principles of civic humanism, whether imbibed directly from Aristotle, Livy, and Cicero, or mediated through Machiavelli, Guicciardini, or Botero.

Pocock’s characteristically trenchant contention has been challenged. Markku Peltonen has provided us with much evidence of the reception of civic humanism in the England of Elizabeth and James I, although he is sufficiently influenced by Pocock to suggest that what he calls ‘classical republicanism’ had a ‘limited but undoubted impact’ on English political thought, and agrees with Blair Worden and Kevin Sharpe that ‘an unmixed republic was hardly a practical option in England before the Civil War’.¹⁹ Peltonen does not, however, define what he means by ‘classical republicanism’, and does not consider whether a mixed republic might have been a practical option, despite suggesting, in the context of the vexed question of the succession to the childless Elizabeth as she aged, that a ‘dominant section of the political nation’ could conceive of England—under highly exceptional circumstances—as a ‘Polish-style’ republic or as a ‘mixed polity’, although he almost

¹⁸ Lucien Febvre, *The Problem of Unbelief in the Sixteenth Century. The Religion of Rabelais* (Cambridge, Mass. 1985), 100.

¹⁹ Peltonen, *Classical Humanism*, 11–12.

immediately retreats from this position, observing that ‘it is perhaps even more astonishing to find that the English displayed a particular reticence about the mixed constitution’ and had very little relevant to say about it, before again qualifying his position by stating that there was a greater interest in the mixed constitution under James I without asking why that might be.²⁰

Peltonen finds this lack of appreciation for the *forma mixta* surprising. He is, however, struggling with a definition of republicanism based on the Machiavellian distinction between different forms of the state, and the modern definition of a republic as a system without a king, which forces him to conclude—as the title of his second chapter indicates—that classical republicanism existed only in the margins of Elizabethan politics.²¹ This struggle is also evident in the influential challenge mounted by Pat Collinson to Pocock—on which Peltonen draws extensively—with his concept of the English monarchical republic. Collinson’s critique centres on Pocock’s blunt assertions that ‘in no way was Tudor England a polis, or its inhabitants citizens’; and that the concept of a republic of equal citizens was ‘something not to be found in England and as yet scarcely to be imagined there’.²²

Collinson challenged Pocock on two fronts. He claimed, firstly, that the idea of the *polis* had considerable appeal at the local level, especially in the towns and cities of Tudor and Jacobean England, a suggestion warmly endorsed by Mark Goldie, who stresses its

²⁰ Ibid. 49–50.

²¹ Ibid. 54–118.

²² Pocock, ‘England’, in Orest Ranum, ed. *National Consciousness, History and Political Culture in Early Modern Europe* (Baltimore, 1975), 113; idem. *Machiavellian Moment*, 354.

attraction to officeholders, and my former colleague in Aberdeen, Phil Withington.²³

Secondly, Collinson pointed out that in 1585 Sir William Cecil confronted the succession problem by drafting a parliamentary bill authorising temporary government by a great council in the event of Elizabeth's death and establishing arrangements for designating or choosing a successor. In January 1585, indeed, Cecil sounded rather Polish when he declared that 'the government of the realme shall contynew in all respects' in the event of Elizabeth's death.²⁴

As Paulina Kewes has shown, calls for the exclusion of Mary Stewart from the succession, and consideration of the possibility of Parliament electing a successor to Elizabeth were more widespread than was traditionally recognised, despite censorship and Elizabeth's willingness to use the law to suppress them.²⁵ Andrew Hadfield has argued that Shakespeare's plays, written as Elizabeth aged, 'emerged out of a culture that was saturated with republican images and arguments', even if he follows Collinson and Peltonen by suggesting that these were 'never clearly defined or properly articulated'. Nevertheless, Hadfield argues that republicanism was 'one of the key problems that defined [Shakespeare's] working career'.²⁶

²³ Patrick Collinson, 'The monarchical republic of Queen Elizabeth I', in Collinson, *Elizabethan Essays* (London, 1994), 32–34; Mark Goldie, 'The unacknowledged republic. Officeholding in early modern England', in Tim Harris, ed. *The Politics of the Excluded, c. 1500 – 1850* (London, 2001), 153–94; Phil Withington, *The Politics of Commonwealth: Citizens and Freemen in Early Modern England* (Cambridge, 2005).

²⁴ Collinson, 'Monarchical republic', 48–56.

²⁵ Paulina Kewes, 'Parliament and the principle of elective succession in Elizabethan England', in Paul Cavill and Alexandra Gajda, eds, *Writing the history of parliament in Tudor and early Stuart England* (Manchester, 2018), 106–132.

²⁶ Andrew Hadfield, *Shakespeare and Republicanism* (Cambridge, 2005), 1.

I have not the time today, nor indeed, the expertise, to enter the lists in this entertaining English joust. From the outside, it seems to me self-evident that classic civic humanism had a considerable influence across the British Isles. Writers from a variety of political and religious positions invoked the concept, including John Aylmer, John Ponet, the Puritan Thomas Cartwright, and the Jesuit, Robert Parsons.²⁷ Aylmer presented England as a classic example of the *forma mixta*, while Sir Thomas Smith, who devotes chapter 6 of his *De Republica Anglorum* to it, concludes ‘that so seldome or never shall you finde common wealthes or governement which is absolutely and sincerely made’ of any of the Polybian forms of government, which Smith refers to frequently, arguing that commonwealths are ‘alwayes mixed with an other, and hath the name of that which is more, and overruleth the other alwayes or for the most part’.²⁸ That qualification is significant, and I shall return to it.

Despite this evidence for the influence of civic humanism, Collinson and those influenced by him are peculiarly tentative, essentially because they implicitly accept Pocock’s definition of republicanism. Collinson presents his monarchical republic as a paradox: Elizabethan England ‘was a republic that happened to be a monarchy, or vice versa’, and is almost apologetic about advancing it.²⁹ There is talk of ‘republican elements’ in the English system of government, and terms such as ‘quasi-’ or ‘semi-’ republican abound in the literature. Yet if we adopt Machiavelli’s distinction, such formulations are dubious. Collinson talks of ‘citizens concealed within subjects’, as if in claiming to be citizens,

²⁷ Weston, ‘English constitutional doctrines’ II, 427.

²⁸ Sir Thomas Smith, *De Republica Anglorum. A Discourse on the Commonwealth of England* ed. L. Aston (Cambridge, 1906), 14.

²⁹ Collinson, ‘Monarchical republic’, 43.

Elizabethans had to be secretive, and implies that the categories of citizen and subject were, or are, incompatible. He also invokes an 'anti-monarchical virus' that he sees as 'part of the legacy of sixteenth-century humanism', a revealing formulation.³⁰

Here we see the yearning for the 'either/or' precision criticised by Febvre. If we consider the Polish-Lithuanian republic, the problem disappears. For Poland-Lithuania was not a modern republic; it was a Renaissance republic, and a Renaissance republican saw no paradox in a republic that possessed a monarch; indeed the monarchical element was essential to a well-balanced, mixed republican system, as Machiavelli himself argued in his *Discorsi*. Dorota Pietrzyk-Reeves, in her splendid account of sixteenth-century Polish Republican discourse, which has just been translated, uses the term 'republican tradition' for this discourse, to distinguish it from republicanism in the acephalous Pocockian sense.³¹ Here, since I am considering both the republican discourse and its embodiment in Poland-Lithuania, I prefer Renaissance republicanism.

In Poland-Lithuania, the king was an official of the republic, as Stanisław Zaborowski argued as early as 1507.³² His functions were to govern, to appoint to office, and above all to execute the law. There was considerable support among the ordinary szlachta for a monarchy with substantial powers, to be used to uphold the law and protect

³⁰ Patrick Collinson, 'The state as monarchical commonwealth: "Tudor" England', *Journal of Historical Sociology*, 15/1 (2002), 94; 'Monarchical republic', 44.

³¹ Dorota Pietrzyk-Reeves, *Polish Republican Discourse in the Sixteenth Century* (Cambridge, 2020), 6.

³² Stanisław Zaborowski, *Tractatus Quadrifidus de Natura Iurium et Bonorum Regis et de Reformatione Regni ac eius Reipublicae Regimine incipit Feliciter* (Cracow, 1507). Zaborowski uses various terms to express this concept, including *administrator*, *tutor*, *conservator*, *rector*, *mediator*, and *praepositus*: Henryk Litwin, introduction to Stanisław Zaborowski, *Traktat o naturze praw i dóbr królewskich* (Cracow, 2005), xlv.

the *populus*, the lesser nobility, from oppression by wealthy magnates who had traditionally dominated politics. From the 1530s the Polish Execution Movement urged the monarchy to execute the 1504 statute outlawing the alienation of royal land, which had benefited powerful magnates. The movement reached its height in the 1560s, when considerable amounts of alienated land were recovered for the royal treasury.

For Poles and Lithuanians the *polis* and the state were distinct conceptual entities, and we should therefore not assume that the terms *Rzeczpospolita* and state can be used interchangeably, as they frequently are by historians of Poland-Lithuania. Polish and Lithuanian nobles saw themselves *both* as citizens of a common republic *and* as subjects of their elected monarch, the king of Poland and the grand duke of Lithuania respectively. There was no conflict, and citizens were not concealed in subjects; they did not need to be. As members of a mixed *polis* they collectively determined the limitations placed upon royal power and, through the Senate council, regulated its exercise.

I would suggest that before 1642 it was perfectly possible for the political elites of the British Isles to think –up to a point—in similar terms. Civic humanism did not suddenly arrive as Falkland and Culpepper scabbled around to produce a defence against the Nineteen Propositions. That Falkland and Culpepper clearly saw the appeal to the *forma mixta* as a tactically useful response to the Long Parliament shows that it was well known and potentially effective, whatever Pocock asserts. Portraying the monarchy as an integral part of a well-balanced Commonwealth involved no paradox. Yet I would nevertheless agree with Pocock and Worden that the 1640s proved transformative.

Charles's response to the Nineteen Propositions represented a last hurrah rather than a new beginning for Renaissance republicanism in England. There had always been problems reconciling the mixed form of government with the various political traditions of the British Isles. To understand why, it is necessary to return to Poland-Lithuania, where the socio-political context was more favourable. The Polish-Lithuanian *szlachta* was very different to the landed elites of the British Isles. Thanks to the systems of partible inheritance enshrined in customary law, the *szlachta* was not just a privileged class; it was a numerous one. All children of nobles were noble by birth, which is why the frequent translation of *szlachta* as gentry is misguided: an English squire might be a gentleman, but he was a commoner at law; a Polish *szlachcic* was not, however poor he might be. And many were poor. Perhaps 6-8 percent of the population were noble—nearly a million by the late eighteenth century—with concentrations of poorer nobles in certain provinces, such as Samogitia in Lithuania, and Mazovia in Poland; in the latter nearly a quarter of the population claimed noble status.

The political implications were considerable. Poland and Lithuania never developed the hierarchical relationships of mutual obligation seen across western Europe in the medieval period, although many poorer nobles, especially in the eastern lands, became economically dependent on magnates. The constant division and subdivision of the family property over the generations, however, meant that families, or individual branches of families, could decline rapidly in status and wealth.

This harsh reality had two major consequences, which help explain the appeal of Renaissance republicanism. Firstly, partible inheritance fostered *szlachta* egalitarianism.

There were no titles of nobility to provide a hierarchy of status; the law, indeed, banned them, and the principle was enshrined in the Union of Lublin, which limited use of the title of prince (*książe* or *kniaź*) to descendants of the royal dynasties of Lithuania and Rus': the Gediminds and the Rurikids. Sustained by the numerous middling nobles who formed the crucial office-holding class at local level, and from among whom envoys to the sejm were elected, the principle of noble equality was tenaciously defended.

Status was provided by officeholding. Since the power to appoint to the major offices of state and provincial office was a royal prerogative—which meant that the king determined the composition of the Senate and his council, the aristocratic part of the constitution—the monarchy retained considerable influence. Thus the ideals of civic humanism, which stressed the service of virtuous citizens to the republic and proclaimed the equality of citizens, confirmed and strengthened principles already embedded in the Polish system, and proved attractive to nobles in Lithuania, where magnate power was greater than in Poland.

In England and Scotland, primogeniture and entail established a very different system for the inheritance of property and status among the landed elites, and limited the appeal of an egalitarian model of citizenship. It was much harder to enter the House of Lords in England than it was to become a senator in Poland-Lithuania, where monarchs consistently sought to check the power of wealthy magnates by appointing ambitious new men from families without a previous history of senatorial status, who constituted one third and more of appointments. Thus Pocock is probably right to stress the 'obstinate adherence to the vision of England as a hierarchy of degree' as an important factor that reduced civic

humanism's appeal.³³ While office provided a hierarchy of status in Poland-Lithuania, and wealthy magnates did lord it over poorer nobles, attachment to the principle of equality remained strong, encapsulated by the popular proverb which asserted that a simple nobleman on his manor was the equal of a palatine (*szlachcic na zagrodzie równy wojewodzie*). It was no empty phrase.

There was another problem. I again agree with Pocock when he speaks of England's 'highly wrought theory of kingship and authority'.³⁴ If there is one word that encapsulates the difference between the debates in England and Poland-Lithuania, it is 'sovereignty'. Historians of Poland-Lithuania, seduced by the Machiavellian notion that the republic is simply a form of the state, have long debated where sovereignty lay in Poland-Lithuania's mixed form of government, but this is to miss the point. There was no need to talk of sovereignty in a system predicated on the notion of balance between the three forms of government. There were, it is true, some opponents of the king who claimed that supreme authority lay with the *populus*, such as one pamphlet published in 1607 during the Sandomierz *rokosz*:

The third estate, the *szlachta*, which enjoys the prerogative and preeminence in this Republic, is the leading estate. In accordance with this privilege supreme

³³ Pocock, *Machiavellian Moment*, 348.

³⁴ *Ibid.*

authority in this kingdom lies with it, for as this privilege states, the nobility is the most powerful part of the kingdom...³⁵

Yet such assertions were relatively rare, and the immediate qualification of the claim that supreme authority lay with the wider szlachta by the statement that it formed 'the most powerful part' of the kingdom indicates that the grip of the *forma mixta* was still powerful, and that sovereignty was not seen as indivisible. Bodin's assertion that it was, and that sovereignty should lie with the king, was highly unpopular in Poland-Lithuania. Bodin's loathing for the *forma mixta* owed much to his detailed knowledge of the Polish system, as relayed to him by Jan Zamoyski, a member of the embassy that arrived in France to inform Henry of Valois of his election in 1573. Bodin's frequent sour references to Poland-Lithuania meant that he did not top the bestseller lists on the Vistula.

Although discontented magnates, like Mikołaj Zebrzydowski, palatine of Cracow and a leader of the 1606 *rokosz*, or Polish Grand Marshal Jerzy Sebastian Lubomirski, who launched another *rokosz* in 1665, could raise the spectre of absolute monarchy and appeal to the principle of *de non praestanda oboedientia*, it proved impossible in practice to secure enough support to depose the king. Radical firebrands declared Sigismund III deposed in June 1607, but it was easier to claim that the citizen body had a right to depose the king than it was to agree on its implementation. There was minimal support for dethronement: only 400 signed the document of deposition, compared with over 10,000 who had signed the articles of confederation a year earlier.³⁶ The sejmiks overwhelmingly preferred to reach

³⁵ 'Libera Respublica, quae sit?', *Acta zjazdu stężyckiego*, in *Pisma polityczne do rokoszu Zebrzydowskiego*, ed. Jan Czubek, 3 vols (Cracow, 1916–1918), ii, 404.

³⁶ Henryk Wisner, *Wisner, Najaśniejsza Rzeczpospolita*, 94.

accommodation through the sejm. Sigismund won the only battle fought during this short civil war, and although his reform proposals failed, he secured sejm agreement in 1609 that obedience could only be withdrawn at a sejm under the primate's authority. That rendered deposition even less likely, since bishops were predominantly regalists in sentiment.

In England, however, the idea of the imperial, sovereign monarchy proved a fundamental obstacle to the integration of the *forma mixta* and the Ancient constitution, especially after the Henrician Reformation, which installed the monarch as head of the Anglican Church. The tension is evident in Smith's *De Republica Anglorum*. Although the abstract term 'sovereignty' does not appear, the term sovereign certainly does.³⁷ Richard Knolles's translation of Bodin did not appear until 1606, but already Smith echoes Bodin in his very first chapter:

To rule, is understood to have the highest and supreme authoritie of commaundement. That part or member of the common wealth is saide to rule which doth controwle, correct, and direct all other members of the common wealth. ³⁸

This is not a mixed system at all, as Smith makes clear:

³⁷ L. Alston, 'Introduction' in Smith, *De Republica Anglorum*, xxii.

³⁸ Smith, *De Republica Anglorum*, 9.

I do not understand that our nation hath used any other generall authoritie in this realme neither Aristocratical, nor Democraticall, but onely the royall and kingly majestie.³⁹

Smith's formulation makes clear that although the concepts of Renaissance republicanism were very familiar to English political thinkers, and although he had not yet reached the position of either/or, he was struggling to reconcile the idea of the *forma mixta* with post-Reformation ideas of imperial monarchy as the basis of the English state.

What, then, of Scotland, which might seem to provide more fertile ground for Renaissance republicanism? North of the border, the Reformation was institutionalised from below, not above, Presbyterian ecclesiology mirrored the institutions of the secular republic, and Calvin himself had lauded the *forma mixta* in his writings. In Buchanan, Scotland had a sophisticated, well-connected and influential European intellectual who was convinced that legitimacy was conferred on monarchs through election: 'unless we have a king chosen by election, I am afraid we are not going to have any legitimate ruler at all'.⁴⁰ He sought to demonstrate the elective and contractual nature of Scottish kingship by enumerating the many kings of Scots who had been deposed, assassinated, or killed in battles by their own subjects. Far from limiting the right of resistance to inferior magistrates as Calvinist resistance theorists proposed, Buchanan endorsed the assassination of a tyrant by any citizen.⁴¹

³⁹ Ibid. 19.

⁴⁰ Buchanan, *Dialogue*, 18.

⁴¹ Ibid. 6–7.

Buchanan's contention that kingship was elective was taken up by others. In 1639 Alexander Henderson declared that 'the people maketh the Magistrate, but the Magistrate maketh not the people', while in 1644 another prominent Covenanter, Samuel Rutherford, invoked the *forma mixta* in claiming that 'royalists cannot deny but a people ruled by aristocratic magistrates may elect a king, and a king so elected is formally made a lawful king by the people's election'.⁴² Rutherford believed that the covenant between the king and the people entered into at the time of his election was conditional, and that the people could withdraw their allegiance if the king upheld false religion.⁴³ These arguments sound very familiar to a historian of Poland-Lithuania; they reflected a long Scottish political tradition: as in Poland, Scots had asserted in the 1320 Declaration of Arbroath that the king had no right to alienate the kingdom or any part of it without the consent of the community of the realm.

And Scots were prepared to defy their king. The National Covenant, drafted in Greyfriars Kirkyard in Edinburgh in February 1638 and sent round the parishes to garner tens of thousands of signatures, was the foundation document of what is termed the Scottish Revolution. It appealed to the covenant between God and his people, citing a long list of acts of the Scottish parliament establishing the 'true Kirk of God' in Charles's northern realm. It explicitly referred to the oath he had sworn at his 1633 coronation to uphold that religion.

⁴² Anon. [Alexander Henderson] *Some Special Arguments for the Scottish Subjects lawfull defence of their Religion and Liberty...* (Amsterdam, 1642), 5; Samuel Rutherford, *Lex, Rex, or the Law and the Prince; a dispute for the Just Prerogative of King and People* (Edinburgh, 1893), 9.

⁴³ *Ibid.* 54–68.

To a historian used to the robust exchanges of Polish-Lithuanian politics, however, the Covenant is a peculiarly half-hearted document. There is no explicit warning to Charles of the consequences of breaking his oath, and no claim of any right to withdraw obedience; indeed the signatories solemnly promised ‘that we shall to the utmost of our power, with our means and lives, stand to the defence of our dread Sovereign the King’s Majesty, his person and authority, in the defence and preservation of the aforesaid true religion’.⁴⁴

That word ‘sovereign’ again. In reading Buchanan, one can sense a Scot looking down the road travelled by Poles and Lithuanians as far as he could, yet he is held back by his attachment to the ancient Scottish monarchy. This problem, as in England, is reflected more widely in Scottish political thought. Allan Macinnes, another former colleague in Aberdeen, has stressed the growth of federative senses of commonwealth in a Scotland struggling to adjust to absentee monarchy after 1603, and drawn attention to the parallels between the institutions of covenanting and the practice of confederation in Poland-Lithuania.⁴⁵ Covenanters claimed that they were not seeking to impose government on Scotland, but were seeking to restore Scotland’s ancient mixed constitution.⁴⁶ And yet the text of the National Covenant, and the writings of prominent covenanters, including Archibald Johnston of Warriston and Alexander Henderson, who drafted it, draw predominantly on religious, not secular, principles to justify resistance to Charles.

⁴⁴ The National Covenant (1638) <https://www.fpchurch.org.uk/about-us/important-documents/the-national-covenant-1638/> accessed 29 March 2022.

⁴⁵ Allan Macinnes, ‘The hidden Commonwealth. Poland-Lithuania and Scottish political discourse in the seventeenth century’, in Karin Friedrich and Barbara Pendzich, eds, *Citizenship and Identity in a Multinational Commonwealth. Poland-Lithuania in Context, 1550–1772*. (Leiden, 2009), 233–60.

⁴⁶ Laura Stewart, *Rethinking the Scottish Revolution. Covenanted Scotland, 163–1651* (Oxford, 2016), 124.

In contrast, the most remarkable feature of the constitutional revolution in Poland-Lithuania was its entirely secular nature. It took place against a background of intense religious division, between Catholics and Orthodox—a division that long predated the Reformation—and between Catholics and Protestants. By 1569 around half the Senate were non-Catholics, most of them Protestant, predominantly Calvinists. Yet religion intruded remarkably little upon the constitutional revolution. The 1573 Warsaw Confederation stipulated that those that differed in religion—*dissidentes in religione*—would not perpetrate violence or bring legal cases against each other on religious grounds. Protestants accepted the Catholic primate as interrex, and while Catholic bishops were only too happy to cause trouble, the strongly secular basis of civic humanism and the *forma mixta* united citizens who differed in religion round the secular concept of the republic. Only in Poland-Lithuania was it conceivable that a confirmed antitrinitarian, Mikołaj Sienicki, could be elected on ten occasions as speaker of the chamber of envoys, which was far more Catholic than the senate.

Buchanan's great works are similarly secular in nature, and he draws on Scottish history and civic humanism to justify his radical vision of politics, despite his lack of interest in the *forma mixta*. The covenanters, however, justified their resistance largely in religious terms. The Covenant defined the nation's political and historic identity in a religious and monarchic framework, with little or no reference to the ideals of citizenship propounded by Buchanan and the civic humanists. Laura Stewart observes that in contrast to what Goldie and Withington found for England, the language of citizenship 'was not commonplace in early modern Scotland', even in the burghs; she suggests that traditional vertical ties of

lordship meant that Collinson's monarchical republic 'was not easy to translate into practice north of the border' .⁴⁷

In political terms, this absence of discourses of citizenship north of the border has much to do with the fact that since Buchanan had published his great works, the union of the crowns had transformed the context for Scottish politics. Charles's religious policy may have alienated a majority of his Scottish subjects, but as the text of the Covenant reveals, monarchy was central to the Scottish sense of identity. James VI's succession to the English throne had ended the need for the long, stubborn Scottish resistance to the claims of lordship advanced over the centuries by English kings, but it provided no constitutional framework in which Scots could assert the equality of the kingdom of Scotland within the union, as Lublin provided for Lithuania. Claims for the antiquity of the Scottish monarchy advanced by Hector Boece, first principal of my university, and Buchanan himself, therefore became central to attempts by Scots to assert their status within the union. The superior antiquity of their monarchy was the one area—apart, of course, from their superior understanding of God's word—in which Scots could demonstrate their manifest superiority to their English neighbours. After 1603, Buchanan's vision of elective kingship gradually lost its appeal. Sir Thomas Craig of Riccarton—an advocate of union—asserted that God preferred hereditary monarchy: 'As everyone knows', he wrote, 'the will of the people can no more call a prince to the throne than it can eject him from it' .⁴⁸

⁴⁷ Stewart, *Rethinking the Scottish Revolution*, 7.

⁴⁸ Thomas Craig, *De Unione Regnorum Britanniae Tractatus* (1607), 228, 270.

Thus Renaissance republicanism did not gain sufficient traction in Scotland to underpin a secular revolution. The confederative institutions established to defy Charles I embodied the principles of self-government, but they were justified in religious, not secular terms—they were confessional confederations, as Macinnes observes—and the centrality of monarchy to Scottish identity was encapsulated in the Scottish refusal to have anything to do with Charles's trial, and the rapid declaration of Charles II's succession following his father's execution. The incorporation of Scotland into the English republic by Cromwell without so much as a by-your-leave ensured that, when the Restoration came, support for monarchy in Scotland was all but universal.

So I no longer find the views of Sir George Mackenzie quite so surprising. Long before 1684, the attractions of civic humanism in Scotland had faded. On the other side of the Irish Sea, Ireland's colonial situation and its deep religious divisions rendered civic humanism of mere academic interest; here the instrument of confederation was used in the 1640s not to defy but to support a monarchy that seemed to provide the only hope of protection for native and Old English Catholics, for whom the ideal of virtuous citizenship seemed distant indeed in a system in which the subordination of a Protestant-dominated Irish Parliament to the English Parliament rendered the *forma mixta* irrelevant. Even in England, where Charles's execution abruptly removed the monarchical element of the constitution, civic humanism could offer little to a polity in which the army had reduced Parliament to an impotent rump. Yet older modes of thought persisted. After all, Cromwell was offered the throne. He refused, although as Lord Protector he effectively restored the monarchical element in the constitution, which his son was to inherit on his death, since

nobody could think of what else to do. It seems that a republic without a king was rather harder to imagine than is sometimes suggested.

The contrast with 1572 in Poland-Lithuania is striking. After 1566, both states of the union possessed a political framework in which the ideals of Renaissance republicanism could be realised. In this process, Sigismund August played a central role. Early in his reign, he had, like his predecessors, largely ruled through his ministers and senate council. His lack of an heir, however, led him to fret about the continuation of the union after his death. In 1564 he took the remarkable step of resigning his hereditary rights as supreme duke of Lithuania in favour of the community of the Polish realm—the citizen body—much to the chagrin of his three sisters, opening the way to a fully elective monarchy. Finally, in the testament prepared shortly before his death, he endorsed the republican vision laid out in the Lublin Union in the language of civic humanism:

...I beseech, remind, and urge all...ecclesiastical and lay senators, the equestrian order, all nobles and towns...being inhabitants, whether of the kingdom of Poland or of the grand duchy of Lithuania, that they should maintain their unity in one eternal, indivisible body, forming one people, one nation, one unitary republic as constituted and formed by oath two years ago at the Lublin assembly; and that they should continue in sincere and true fraternal affection, just as if their heads and limbs formed one people, one republic.⁴⁹

⁴⁹ *Testament Zygmunta Augusta*, ed. Antoni Franaszek, Olga Łaszczyńska & Stanisław Edward Nahlik (Cracow, 1975), 7.

A republican king? There are more things in heaven and earth, Professor Pocock, than are dreamt of in your philosophy.

There was one more major barrier to the *forma mixta* in the British Isles. To understand what it was, we need to consider another aspect of the Polish-Lithuanian constitution. The *forma mixta* worked in Poland-Lithuania on account of a feature of the system that attracted considerable criticism from contemporary commentators: the fact that the popular and aristocratic elements of the constitution were drawn from the same social class. From 1572 the major cities effectively withdrew from the system; they were content to form their own self-governing republics on the basis of German law—mainly Magdeburg Law—which was extended to royal burghs and private towns alike. In the szlachta republic, therefore, the *populus*, the popular element in the polity, did not pose any wider social challenge. Debates raged about where the balance between the three elements of the system should lie, but even if some among the szlacht felt that the preponderance lay with the *populus*, that claim constituted no threat to the social order.

Not so in the British Isles. Historians are often eager to detect support for popular sovereignty in the political thought of the age, and it is not hard to find statements that authority ultimately—or at least originally—lay with the community of the realm. Nevertheless, while political philosophers could talk in general terms of ancient contracts, fundamental laws, and the bestowal of authority on monarchs by the people, their earnest treatises were based on speculation and the sort of mythical history peddled by Boece and Buchanan in Scotland, or Geoffrey of Monmouth and Ralph Holinshed in England. There were no documents corroborating their speculations. England might have its Magna Carta,

and Scotland its Declaration of Arbroath, but there was nothing to match the detailed republican constitutional documents that regulated political life in Poland-Lithuania and specified the nature of the contract with the monarch.

In the British Isles the 1640s demonstrated that ordinary people from almost all social classes, were eminently capable of political agency. In both Scotland and England, there was, as Stewart notes, a ‘sudden expansion of “the public” as a regular descriptor for an organized and coherent body politic, “a community” encompassing ‘the whole nation’.⁵⁰ Nevertheless, while political rhetoric frequently invoked such a community, the political activism of the lower orders, once unleashed, proved unsettling. The Edinburgh crowds who turned out in raucous numbers during the prayerbook controversy were one thing; Levellers, Diggers, and Army radicals in England quite another. In Ireland, a broad conceptualisation of the body politic was impossible for the governing elite in a country in which Catholics comprised a large majority of the people. The spectre of popular radicalism stalked the land; for many among the elites of the British Isles ‘the impetuous caprices of the Multitude when giddy’ in Mackenzie’s words, proved terrifying.

Thus neither England, nor Scotland, nor Ireland possessed the institutional or social structure that might have made the *forma mixta* more than a scholarly chimaera. The execution of Charles I was cathartic. Across the British archipelago, thinkers and politicians had long struggled to reconcile the ideal of the Aristotelian *polis* with traditions of imperial monarchy, now bolstered by the Bodinian concept of indivisible sovereignty. The *forma mixta*, which was suited to the Aristotelian *polis*, the community of citizens, but not the

⁵⁰ Stewart, *Rethinking the Scottish Revolution*, 222.

juridical, abstract state, was no longer fit for purpose, although the fact that Algernon Sidney was still appealing to it in the 1690s suggests that we should be properly cautious of reports of its demise. After 1660, different means of controlling the dread sovereign monarch needed to be found; ultimately the peculiarly British fiction of the indivisible sovereignty of the King in Parliament was devised to solve the problems posed by Charles II and his Catholic brother. It was a solution which neatly kept Mackenzie's absolutism at bay while avoiding the perilous consequences of assigning sovereignty to that vague concept, the people. Poland-Lithuania, however, by creating a Renaissance republic through the institutionalisation of the *forma mixta*, took the road less travelled in a Europe in which, after 1648, the concept of the sovereign state gradually emerged as the foundation of the international states system. That decision had consequences, because the Aristotelian and Polybian conceptualisation of the *forma mixta* said much about how power was to be shared and tempered, but offered little guidance as to how it was to be exercised. That, however, is another story for another day.