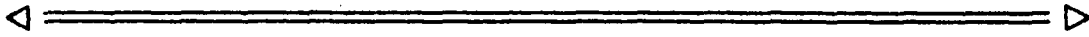


5



The state

QUENTIN SKINNER

I

In the Preface to *De cive*, his first published work on government, Hobbes describes his own project as that of undertaking “a more curious search into the rights of states and duties of subjects.”<sup>1</sup> Since that time, the idea that the confrontation between individuals and states furnishes the central topic of political theory has come to be almost universally accepted. This makes it easy to overlook the fact that, when Hobbes issued his declaration, he was self-consciously setting a new agenda for the discipline he claimed to have invented, the discipline of political science. His suggestion that the duties of subjects are owed to the state, rather than to the person of a ruler, was still a relatively new and highly contentious one. So was his implied assumption that our duties are owed exclusively to the state, rather than to a multiplicity of jurisdictional authorities, local as well as national, ecclesiastical as well as civil in character. So, above all, was his use of the term “state” to denote this highest form of authority in matters of civil government.

Hobbes’s declaration can thus be viewed as marking the end of one distinct phase in the history of political theory as well as the beginning of another and more familiar one. It announces the end of an era in which the concept of public power had been treated in far more personal and charismatic terms. It points to a simpler and altogether more abstract vision, one that has remained with us ever since and has come to be embodied in the use of such terms as *état*,

<sup>1</sup> Hobbes (1983: 32). *De cive* was first published in Latin in 1642, in English in 1651. See Warrender (1983: 1). Warrender argues that the translation is at least mainly Hobbes’s own work (1983: 4–8). But this is disputed by Tuck (1985: 310–12). Note that, in this as in most other quotations from primary sources, I have modernized spelling and punctuation.

*stato*, *staat*, and *state*.<sup>2</sup> My aim in what follows will be to sketch the historical circumstances out of which these linguistic and conceptual transformations first arose.

## II

As early as the fourteenth century, the Latin term *status* – together with such vernacular equivalents as *estat*, *stato*, and *state* – can already be found in general use in a variety of political contexts. During this formative period these terms appear to have been employed predominantly to refer to the state or standing of rulers themselves.<sup>3</sup> One important source of this usage was undoubtedly the rubric *De statu hominum* from the opening of Justinian's *Digest*. There the authority of Hermogenianus had been adduced for the fundamental claim that, "since all law is established for the sake of human beings, we first need to consider the *status* of such persons, before we consider anything else."<sup>4</sup> Following the revival of Roman Law studies in twelfth-century Italy, the word *status* came in consequence to designate the legal standing of all sorts and conditions of men, with rulers being described as enjoying a distinctive "estate royal," *estat du roi*, or *status regis*.<sup>5</sup>

When the question of a ruler's *status* was raised, this was generally in order to emphasize that it ought to be viewed as a state of majesty, a high estate, a condition of stateliness. Within the well-established monarchies of France and England, we encounter this formula in chronicles and official documents throughout the latter half of the fourteenth century. Froissart, for example, recalls in book I of his *Chroniques* that when the young king of England held court to entertain visiting dignitaries in 1327, "the queen was to be seen there in an *estat* of great nobility."<sup>6</sup> The same usage recurs poignantly in the speech made by William Thirnyng to Richard II in 1399, in which he reminds his former sovereign "in what presence you renounced and ceased of the state of King, and of lordship and of all the dignity and worship that [be]longed thereto" (Topham *et al.* 1783: 424, col. 1).

<sup>2</sup> On "the state as an abstract entity," and the political transformations that underlay the emergence of the concept, see further in Shennan (1974); and cf. Maravall (1961).

<sup>3</sup> See Hexter (1973: 155) on "the first of its medieval political meanings."

<sup>4</sup> Mommsen (1970, I.5.2: 35): "Cum igitur hominum causa omne ius constitutum sit, primo de personarum statu ac post de ceteris . . . dicemus."

<sup>5</sup> For example, see Post (1964: 333–67, 368–414).

<sup>6</sup> Froissart (1972: 116): "La [sc. the queen] peut on veoir de l'estat grand noblece."

Underlying the suggestion that a distinctive quality of stateliness "belongs" to kings was the prevailing belief that sovereignty is intimately connected with display, that the presence of majesty serves in itself as an ordering force. This was to prove the most enduring of the many features of charismatic leadership eventually subverted by the emergence of the modern concept of an impersonal state.<sup>7</sup> As late as the end of the seventeenth century, it is still common to find political writers using the word "state" to point to a conceptual connection between the stateliness of rulers and the efficacy of their rule. As one might expect, exponents of divine-right monarchy such as Bossuet continue to speak of the *état* of *majesté* in just such terms (Bossuet 1967: 69, 72). But the same assumptions also survived even among the enemies of kingship. When Milton, for example, describes in his *History of Britain* the famous scene where Canute orders the ocean to "come no further upon my land," he observes that the king sought to give force to his extraordinary command by speaking "with all the state that royalty could put into his countenance" (Milton 1971: 365).

By the end of the fourteenth century, the term *status* had also come to be regularly used to refer to the state or condition of a realm or commonwealth.<sup>8</sup> This conception of the *status reipublicae* was of course classical in origin, appearing frequently in the histories of Livy and Sallust, as well as in Cicero's orations and political works.<sup>9</sup> It can also be found in the *Digest*, most notably under the rubric *De iustitia et iure*, where the analysis opens with Ulpian's contention that law is concerned with two areas, the public and the private, and that "public law is that which pertains to the *status rei Romanae*."<sup>10</sup>

With the revival of Roman Law, this further piece of legal terminology also passed into general currency. It became common in the fourteenth century, both in France and England, to discuss "the state of the realm" or *estat du roilme* (Post 1964: 310–22). Speaking of the year 1389, for example, Froissart remarks that the king decided at that point "to reform the country *en bon état*, so that

<sup>7</sup> For a comparison between those systems of state power in which "the ordering force of display" is proclaimed, and those in which (as in the modern West) it is deliberately obscured, see Geertz (1980: 121–3), whose formulation I have adopted.

<sup>8</sup> See Ercole (1926: 67–8). Hexter (1973: 115) similarly notes that *status* acquired this "second political meaning during the middle ages." Cf. Rubinstein (1971: 314–15), who begins his analysis by discussing this stage.

<sup>9</sup> See for example Livy (1962, 30.2.8: 372; 1966, 23.24.2: 78); Sallust (1921, 40.2: 68); Cicero (1913, 2.1.3: 170).

<sup>10</sup> Mommsen (1970, I.1.2: 29): "publicum ius est quod ad statum rei Romani spectat." Ercole (1926: 69) emphasizes the importance of this passage.

everyone would be contented."<sup>11</sup> The idea of linking the good state of a king and his kingdom soon became a commonplace. By the middle of the fifteenth century, petitioners to the English parliament regularly ended their pleas by promising the king that they would "tenderly pray God for the good estate and prosperity of your most noble person of this your noble realm."<sup>12</sup>

If we turn from northern Europe to the Italian city-states, we encounter the same terminology at an even earlier date. The first known advice-books addressed to *podestà* and other city-magistrates in the early years of the thirteenth century already indicate that their main concern is with the *status civitatum*, the state or condition of cities as independent political entities.<sup>13</sup> The anonymous *Oculus pastoralis*, perhaps written as early as the 1220s,<sup>14</sup> repeatedly employs the phrase,<sup>15</sup> as does Giovanni da Viterbo in his treatise *De regimine civitatum*,<sup>16</sup> completed around the year 1250.<sup>17</sup> By the early fourteenth century we find the same concept widely expressed in the vernacular, with writers of *Dictamina* such as Filippo Ceffi offering extensive instruction to magistrates, in the form of model speeches, on how to maintain the *stato* of the city given into their charge (Giannardi 1942: 27, 47, 48, etc.).

Discussing the state or standing of such communities, the point these writers generally wish to stress is that chief magistrates have a duty to maintain their cities in a good, happy, or prosperous state.<sup>18</sup> This ideal of aspiring to uphold the *bonus* or even the *optimus status reipublicae* was again Roman in origin, and was largely taken over from Cicero and Seneca by the thirteenth-century writers of advice-books.<sup>19</sup> The author of the *Oculus pastoralis* frequently speaks of the need to uphold the happy, advantageous, honorable and prosperous *status* of one's *civitas*.<sup>20</sup> Giovanni da Viterbo likewise insists on the

<sup>11</sup> Froissart (1824-6, vol. XII: 93): "Le roi . . . réforma le pays en bon état tant que tous s'en contentèrent."

<sup>12</sup> Petition from the abbey of Syon in Shadwell (1912, vol. I: 64). Cf. also vol. I: 66; I: 82, etc.

<sup>13</sup> For a survey of this literature see Hertter (1910).

<sup>14</sup> Sorbelli (1944) discusses this claim, originally put forward by Muratori; Sorbelli prefers a date in the 1240s.

<sup>15</sup> See Franceschi (1966: 26, 27, 28, etc.).

<sup>16</sup> Giovanni da Viterbo (1901: 230-2, etc.).

<sup>17</sup> For a discussion of the date of composition see Sorbelli (1944).

<sup>18</sup> See Ercole (1926: 67-8) and the similar discussions in Post (1964: 18-24, 310-32, 377-81), Rubinstein (1971: 314-16), and Mansfield (1983: 851-2).

<sup>19</sup> There are references to the *optimus status reipublicae* in Cicero (1914, 5.4.11: 402 and 1927, 2.11.27: 174), and to the *optimus civitatis status* in Seneca (1964, 2.20.2: 92).

<sup>20</sup> See Franceschi (1966: 26) on the need to act "ad . . . commodum ac felicem statum civitatis" and p. 28: "ad honorabilem et prosperum statum huius comunitatis."

desirability of maintaining the *bonus status* of one's community,<sup>21</sup> while Filippo Ceffi writes with equal confidence in the vernacular of the obligation to preserve a city "in a good and peaceful *stato*," in a good *stato* and complete peace" (Giannardi 1942: 28).

These writers also provide the first complete restatement of the classical view of what it means for a *civitas* or *respublica* to attain its best state.<sup>22</sup> This requires, they all agree, that our magistrates should follow the dictates of justice in all their public acts, as a result of which the common good will be promoted, the cause of peace upheld, and the general happiness of the people assured. This line of reasoning was later taken up by Aquinas and his numerous Italian disciples at the end of the thirteenth century. Aquinas himself presents the argument at several points in his *Summa*, as well as in his commentary on Aristotle's *Politics*. A judge or magistrate, he declares, "has charge of the common good, which is justice," and ought therefore to act in such a way "as to exhibit a good aspect from the point of view of the *status* of the community as a whole."<sup>23</sup> But the same line of reasoning can already be found a generation earlier in advice-books for city-magistrates. Giovanni da Viterbo, for example, develops precisely the same theory of the *optimus status* in his treatise *De regimine civitatum*, while Brunetto Latini reiterates and enlarges on Giovanni's arguments in his chapter "Dou gouvernement des cités" at the end of his encyclopedic *Livres dou trésor* of 1266.<sup>24</sup>

This vision of the *optimus status reipublicae* later became central to *quattrocento* humanist accounts of the well-ordered political life. When Giovanni Campano (1427–77)<sup>25</sup> analyzes the dangers of faction in his tract *De regendo magistratu*, he declares that "there is nothing I count more unfavourable than this to the *status* and safety

<sup>21</sup> See Giovanni da Viterbo (1901: 230) on the "bonus status totius communis huius civitatis."

<sup>22</sup> Note that they begin to discuss this issue nearly a century earlier than such chroniclers as Giovanni Villani, one of the earliest sources usually cited in this context. See Ercole (1926: 67–8), Hexter (1973: 155), and Rubinstein (1971: 314–16). For Villani on the "buono et pacifico stato" see Villani (1802–3, vol. III: 159; vol. IV: 3, etc.).

<sup>23</sup> Aquinas (1963, I.II.19.10: 104): "Nam iudex habet curam boni communis, quod est iustitia, et ideo vult occisionem latronis, quae habet rationem boni secundum relationem ad statum commune."

<sup>24</sup> See Giovanni da Viterbo (1901: 220–2) on the attributes and policies to be demanded of an elected *rector*, and cf. Latini (1948: 402–5), paraphrasing Giovanni's account.

<sup>25</sup> Note that, in providing dates for the more obscure humanists, I have taken my information from Consenza (1962).

of a *respublica*.”<sup>26</sup> If the good *status* of a community is to be preserved, he goes on, all individual or factional advantage must be subordinated to the pursuit of justice and “the common good of the city as a whole” (Campano 1502, fo. xxxvii<sup>v</sup>). Filippo Beroaldo (1453–1505) endorses the same conclusions in a treatise to which he actually gave the title *De optimo statu*. The best state, he argues, can be attained only if our ruler or leading magistrate “remains oblivious of his own good, and ensures that he acts in everything he does in such a way as to promote the public benefit.”<sup>27</sup>

Finally, the Erasmian humanists imported precisely the same values and vocabulary into northern Europe in the early years of the sixteenth century. Erasmus (1974: 162) himself contrasts the *optimus* with the *pessimus reipublicae status* in his *Institutio* of 1516, and argues that “the happiest *status* is reached when there is a prince whom everyone obeys, when the prince obeys the laws and when the laws answer to our ideals of honesty and equity.”<sup>28</sup> His younger contemporary Thomas Starkey (1948: 63; also 65, 66–7) offers a very similar account in his *Dialogue* of what constitutes “the most prosperous and perfect state that in any country, city or town, by policy and wisdom may be established and set.” And in More’s *Utopia* the figure of Hythloday, the traveller to “the new island of Utopia,” likewise insists that because the Utopians live in a society where the laws embody the principles of justice, seriously aim at the common good, and in consequence enable the citizens to live “as happily as possible,” we are justified in saying that the Utopians have in fact attained the *optimus status reipublicae* – which is of course the title of More’s famous book (More 1965: 244).

### III

I now turn to consider the process by which the above usages – all of them common throughout late-medieval Europe – eventually gave rise to recognizably modern discussions of the concept of the state. I shall argue that, if we wish to trace both the acquisition of this concept and at the same time its expression by means of such terms

<sup>26</sup> Campano (1502, fo. xxxvii<sup>v</sup>): “nihil existimem a statu et salute reipublicae alienius.”

<sup>27</sup> Beroaldo (1508, fo. xv<sup>v</sup>): “oblitis suorum ipsius commodorum ad utilitatem publicam quicquid agit debet referre.”

<sup>28</sup> Erasmus (1974: 194): “felicissimus est status, cum principi paretur ab omnibus atque ipse princeps paret legibus, leges autem ad archetypum aequi et honesti respondent.”

as *status*, *stato* or state, we ought not to focus our main attention – as medieval historians have commonly done – on the evolution of legal theories about the *status* of kings in the fourteenth and fifteenth centuries.<sup>29</sup> It was rare even among civil lawyers of that period to use the Latin word *status* without qualification,<sup>30</sup> and virtually unheard of for political writers to employ such a barbarism at all. Even when we find *status* being used in such contexts, moreover, it is almost always evident that what is at issue is simply the state or standing of the king or his kingdom, not in the least the modern idea of the state as a separate apparatus of government.

I shall instead suggest that, in order to investigate the process by which the term *status* and its vernacular equivalents first came to acquire their modern range of reference, we need to keep our main attention fixed on the early histories and advice-books for magistrates I have already singled out, as well as on the later mirror-for-princes literature to which they eventually gave rise. It was within these traditions of practical political reasoning, I shall argue, that the terms *status* and *stato* were first consistently used in new and significantly extended ways.<sup>31</sup>

These genres of political literature were in turn a product of the new and distinctive forms of political organization that arose within late-medieval Italy. Beginning in the early years of the twelfth century, a growing number of cities throughout the *Regnum Italicum* succeeded in acquiring for themselves the status of autonomous and self-governing republics.<sup>32</sup> It is true that these communities later proved unstable, and were widely reorganized in the course of the next century under the stronger and more centralized regimes of hereditary princes (Waley 1978: 128–40). But even in this later period, the great city-republics of Florence and Venice managed to preserve their traditional hostility to the idea of hereditary

<sup>29</sup> Cf. Kantorowicz (1957, esp. pp. 207–32, 268–72), Post (1964, esp. pp. 247–53, 302–9), Strayer (1970, esp. pp. 57–9), and Wahl (1977: 80). By contrast, see Ullmann (1968–9, esp. pp. 43–4) on traditional legal concepts as an obstacle to the emergence of the concept of the state.

<sup>30</sup> Note how loftily Hotman still speaks of such usages in his *Francogallia* as late as the 1570s. Writing about the Public Council, he observes that its powers extend “to all those matters which the common people in vulgar parlance nowadays call Affairs of State” (“de iis rebus omnibus, quae vulgus etiam nunc Negotia Statuum populari verbo appellat”) (1972: 332).

<sup>31</sup> For the thesis that “*stato*, meaning a State, derives in the main . . . from *lo stato del principe*, meaning the status or estate of an effectively sovereign prince,” see Dowdall (1923: 102). Cf. also Skinner (1978, vol. II: 352–8).

<sup>32</sup> On this development see Waley (1978: 83–330).

monarchy, and thereby carried the ideals of participatory republican government into the era of the high Renaissance.<sup>33</sup>

The development of these new political formations posed a new series of questions about the concept of political authority. One of the most pressing concerned the type of regime best suited to ensuring that an independent *civitas* or *respublica* is able to remain in its *optimus status* or best state. Is it wisest to opt for the rule of an hereditary *signore*, or ought one to retain an elective system of government based on a *podestà* or other such magistrate?

Although this question remained in contention throughout the history of Renaissance Italy, it is possible to distinguish two main phases of the debate. The earliest treatises intended for city-magistrates invariably assumed – in line with their Roman authorities – that the best state of a *civitas* can be attained only under an elective form of republican government. After the widespread usurpation of these regimes, however, by the rise of hereditary *signori* in the fourteenth century, this commitment increasingly gave way to the claim that the best means of ensuring the good standing of any political community must be to institute the rule of a wise prince, a *pater patriae*, whose actions will be governed by a desire to foster the common good and hence the general happiness of all his subjects.<sup>34</sup>

Building on this assumption, the writers of mirror-for-princes treatises in the Renaissance generally devoted themselves to considering two related points. Their loftiest aim was to explain how a good ruler can hope to reach the characteristically princely goals of honour and glory for himself while at the same time managing to promote the happiness of his subjects.<sup>35</sup> But their main concern was with a far more basic and urgent question of statecraft: how to advise the new *signori* of Italy, often in highly unsettled circumstances, on how to hold on to their *status principis* or *stato del principe*, their political state or standing as effectively governing rulers of their existing territories.

As a result, the use of the term *stato* to denote the political standing of rulers, together with the discussion of how such rulers should behave if they are to manage *mantenere lo stato*, began to resound through the chronicles and political literature of fourteenth-century

<sup>33</sup> On this “moment” see Pocock (1975: 83–330). Cf. also Skinner (1978, vol. I: 139–89).

<sup>34</sup> On the *pater patriae*, see for example Beroaldo (1508, fos. xiv<sup>r</sup> and xv<sup>r</sup>) and Scala (1940: 256–8, 273).

<sup>35</sup> Petrarch already states these twin ideals (1554: 420–1, 428). They become standard during the *quattrocento*, even recurring in Machiavelli's *Il principe* (1960: 102).



Italy. When Giovanni Villani, for example, speaks in his *Istorie Fiorentine* of the civic dissensions that marked the city during the 1290s, he observes that they were largely directed against *il popolo in suo stato e signoria* – against the people in their positions of political power.<sup>36</sup> When Ranieri Sardo in his *Cronaca Pisana* describes the accession of Gherardo d'Appiano as leader of the city in 1399, he remarks that the new *capitano* continued to enjoy the same *stato e governo* – the same political standing and governmental authority – as his father had enjoyed before him (Sardo 1845: 240–1). By the time we reach such late contributions to the mirror-for-princes literature as Machiavelli's *Il principe* of 1513, the question of what a ruler must do if he wishes to maintain his political standing had become the chief topic of debate. Machiavelli's advice is almost entirely directed at new princes who wish *tenere* or *mantenere lo stato* – who wish to maintain their positions as rulers over whatever territories they may have managed to inherit or acquire.<sup>37</sup>

If such a ruler is to prevent the state in which he finds himself from being altered to his disadvantage, he must clearly be able to fulfil a number of preconditions of effective government. If we now turn to consider the ways in which these preconditions were formulated and discussed in the traditions of thought I am considering, we shall find the terms *status* and *stato* employed in an increasingly extended manner to refer to these various aspects of political power.<sup>38</sup> As an outcome of this process, we shall eventually find these writers deploying at least some elements of a recognizably modern conception of the state.

One precondition of maintaining one's standing as a ruler is obviously that one should be able to preserve the character of one's existing regime. We accordingly find the terms *status* and *stato* being used from an early period to refer not merely to the state or condition of princes, but also to the presence of particular regimes or systems of government.

This usage in turn appears to have arisen out of the habit of employing the term *status* to classify the various forms of rule described by Aristotle. Aquinas has sometimes been credited with popularizing this development, since there are versions of his *Expositio* of Aristotle's *Politics* in which oligarchies are described as *status paucorum* and the rule of the people is identified as the *status*

<sup>36</sup> Villani (1802–3, vol. IV: 24). Cf. also vol. IV: 190–4.

<sup>37</sup> For these phrases see Machiavelli (1960: 16, 19, 22, 25–6, 27, 28, 35, etc.).

<sup>38</sup> Rubinstein (1971) similarly analyzes some of these extended usages. While I have avoided duplicating his examples, I am much indebted to his account.

*popularis*.<sup>39</sup> Such usages later became widespread in humanist political thought. Filippo Beroaldo begins his *De optimo statu* with a typology of legitimate regimes, speaking of the *status popularis*, the *status paucorum* and even the *status unius* when referring to monarchy (1508, fos. xi<sup>r</sup> and xii<sup>v</sup>). Francesco Patrizi (1412–94) opens his *De regno* with a similar typology, one in which monarchy, aristocracy, and democracy are all characterized as types of *civilium status* or states of civil society (Patrizi 1594b: 16–17, 19, and esp. 21). Writing in the vernacular at the same period, Vespasiano da Bisticci (1421–98) likewise contrasts the rule of *signori* with the *stato popolare*, while Guicciardini later invokes the same distinction in his *Discorsi* on the government of Florence (Vespasiano 1970–6, vol. I: 406; Guicciardini 1932: 274). Finally, Machiavelli used *stato* in just this fashion at a number of places in *Il principe*,<sup>40</sup> most notably in the opening sentence of the entire work, in which he informs us that “All the *stati*, all the dominions that have had or now have power over men either have been or are republics or principalities.”<sup>41</sup>

By this stage, the term *stato* was also in widespread use as a way of referring simply to prevailing regimes. When Giovanni Villani, for example, notes that in 1308 “it was the members of the *parte Nera* who held control” in Florence, he speaks of the government they established as *lo stato de’Neri*.<sup>42</sup> When Ranieri Sardo (1845: 125) writes about the fall of the Nove in Siena in 1355, he describes the change of regime as the loss of *lo stato de’Nove*. When Vespasiano (1970–6, vol. II: 171, 173) relates how the enemies of Cosimo de’Medici succeeded in setting up a new government in 1434, he expresses the point by saying that “they were able to change *lo stato*.” By the time we reach a theorist such as Machiavelli’s friend Francesco Vettori, writing in the early part of the sixteenth century, both these usages of *stato* were firmly established. Vettori employs the term not only to refer to different forms of government, but also to describe the prevailing regime in Florence that he wished to see defended.<sup>43</sup>

<sup>39</sup> See Aquinas (1966: 136–7, 139–40, 310–11, 319–21, 328–30). Rubinstein (1971: 322) credits Aquinas with popularizing these usages. But they were largely the product of the humanist revision of his text issued in 1492. See Mansfield (1983: 851), and cf. Cranz (1978: 169–73) for a full account.

<sup>40</sup> See for example Machiavelli (1960: 28 and 29) on the *stato di pochi*.

<sup>41</sup> Machiavelli (1960: 15): “Tutti li stati, tutti e’dominii che hanno avuto et hanno imperio sopra li uomini sono stati e sono o repubbliche o principati.”

<sup>42</sup> Villani (1802–3, vol. IV: 190–1). Cf. also vol. IV: 25; vol. VIII: 186.

<sup>43</sup> Vettori (1842: 432, 436). Rubinstein (1971: 318) notes that these were already standard usages in late *quattrocento* Florence.

A second precondition of maintaining one's existing state as a ruler is obviously that one should suffer no loss or alteration in the range of territories given into one's charge. As a result of this further preoccupation we find the terms *status* and *stato* pressed into early service as a way of referring to the general area over which a ruler or chief magistrate needs to exercise control. When the author of the *Oculus pastoralis*, for example, wishes to describe the duty of chief magistrates to look after their cities and localities, he already speaks of it as a duty to promote *suos status* (Franceschi 1966: 24). When the authors of the *Gratulatio* sent to the people of Padua in 1310 wish to express the hope that the entire province may be able to live in peace, they say that they are hoping for the *tranquillitas vestri status* (Muratori 1741: 131). Similarly, when Ambrogio Lorenzetti tells us, in the verses that accompany his celebrated frescoes of 1337–9 on the theme of good government, that a *signore* must cultivate the virtues if he is to succeed in levying taxes from the areas under his command, he expresses his point by saying that this is how he must act *per governare lo stato*.<sup>44</sup>

These early and isolated usages first begin to proliferate in the chronicles and political treatises of the high Renaissance. When Sardo (1845: 91), for example, wants to describe how the Pisans made peace throughout their territories in 1290, what he says is that the truce extended throughout *stato suo*. When Guicciardini (1933: 298) remarks in his *Ricordi* that the French revolutionized warfare in Italy after 1494, producing a situation in which the loss of a single campaign brought with it the forfeiture of all one's lands, he describes such defeats as bringing with them the loss of *lo stato*. So too with Machiavelli, who frequently uses the term *stato* in *Il principe* in order to denote the lands or territories of a prince. He clearly has this usage in mind when he talks at length in chapter 3 about the means a wise prince must adopt if he wishes to acquire new *stati*; and he evidently has in mind the same usage when he asks in chapter 24 why so many of the princes of Italy have lost their *stati* during his own lifetime (Machiavelli 1960: 18, 22, 24, 97).

Finally, due in large measure to these Italian influences, the same usage can be found in northern Europe by the early years of the sixteenth century. Guillaume Budé, for example, in his *L'Institution du prince* of 1519, equates the range of *les pays* commanded by Caesar after his victory over Antony with the extent of *son estat*.<sup>45</sup> Similarly,

<sup>44</sup> The verses are reproduced in Rowley (1958, vol. I: 127).

<sup>45</sup> Budé (1966: 140). Although Budé's *Institution* was not published until 1547, it was completed by the start of 1519. See Delaruelle (1907: 201).

when Thomas Starkey (1948: 167) argues in his *Dialogue* of the early 1530s that everyone living in England should be represented by a Council, he remarks that such a body "should represent the whole state." And when Lawrence Humphrey warns in his tract *The Nobles* of 1563 that evil conduct on the part of a ruler can easily set a bad example throughout an entire community, he expresses his point by saying that the vices of a ruler can easily "spread the same into the whole state" (1973, sig. Q. 8<sup>r</sup>).

As the writers of advice-books always emphasized, however, by far the most important precondition of maintaining one's state as a prince must be to keep one's hold over the existing power structure and institutions of government within one's *regnum* or *civitas*. This in turn gave rise to the most important linguistic innovation that can be traced to the chronicles and political writings of Renaissance Italy. This took the form of an extension of the term *stato* not merely to denote the idea of a prevailing regime, but, also, and more specifically, to refer to the institutions of government and means of coercive control that serve to organize and preserve order within political communities.

Vespasiano speaks on several occasions in his *Vite of lo stato* as just such an apparatus of political authority. In his life of Alessandro Sforza, for example, he describes how Alessandro conducted himself "in his government of *lo stato*" (Vespasiano 1970-6, vol. I: 426). In his life of Cosimo de' Medici he speaks of "those who hold positions of power in *stati*," and praises Cosimo for recognizing the difficulties of holding on to power in *uno stato* when faced by opposition from influential citizens.<sup>46</sup> Guicciardini in his *Ricordi* similarly asks why the Medici "lost control of *lo stato* in 1527," and later observes that they found it much harder than Cosimo had done "to maintain their hold over *lo stato di Firenze*," the institutions of Florentine government.<sup>47</sup> Finally, Castiglione in *Il cortegiano* likewise makes it clear that he thinks of *lo stato* as a distinct power structure which a prince needs to be able to control and dominate. He begins by remarking that the Italians "have greatly contributed to discussions about the government of *stati*," and later advises courtiers that "when it comes to

<sup>46</sup> Vespasiano (1970-6, vol. I: 177, 192). On the latter passage see also Rubinstein (1971: 318).

<sup>47</sup> Guicciardini (1933: 287, 293). Note that Guicciardini - though not Machiavelli - also speaks explicitly of *ragione di stato*. See Maffei (1964, esp. pp. 712-20). For the subsequent history of that concept in *cinquecento* Italy, see Meinecke (1957, esp. pp. 65-145).

questions about *stati*, it is necessary to be prudent and wise" in order to counsel one's rule about the best way to behave.<sup>48</sup>

Of all the writers of advice-books, however, it is Machiavelli in *Il principe* who shows the most consistent willingness to distinguish the institutions of *lo stato* from those who have charge of them. He thinks of *stati* as having their own foundations, and speaks in particular of each *stato* as having its own particular laws, customs, and ordinances (Machiavelli 1960: 53; 76, 84). He is willing in consequence to speak of *lo stato* as an agent, describing it as capable, among other things, of choosing particular courses of action and of calling in times of crisis upon the loyalty of its citizens (Machiavelli 1960: 48, 92). This means, as Machiavelli makes clear at several points, that what he takes himself to be discussing in *Il principe* is not simply how princes ought to behave; he also sees himself as writing more abstractly about statecraft (*dello stato*) and about *cose di stato* or affairs of state (Machiavelli 1960: 21, 25).

#### IV

It has often been argued that, by the time we reach the usages I have just been examining, we are already dealing with a recognizably modern conception of the state as an apparatus of power whose existence remains independent of those who may happen to have control of it at any given time. Gaines Post and others have even suggested that this conception is already present in a number of allusions to the *status regni* in the fourteenth century.<sup>49</sup> A similar claim has been advanced with even greater confidence about the employment of the term *stato* by Machiavelli and some of his contemporaries. As Chiappelli puts it, for example, "the word bears the meaning of 'State' in its full maturity" in a majority of the places where Machiavelli uses it.<sup>50</sup>

These claims, however, are I think greatly exaggerated. It is usually clear—except in the small number of deeply ambiguous cases I have cited<sup>51</sup>—that even when *status* and *stato* are employed by these writers to denote an apparatus of government, the power structure

<sup>48</sup> Castiglione (1960: 10, 117–18). For other *cinquecento* uses see Chabod (1962, esp. pp. 153–73).

<sup>49</sup> See Post (1964, esp. pp. viii, 247–53, 302–9, 494–8 and pp. 269, 333) for alleged "anticipations" of Machiavelli's thought. Cf. also Kantorowicz (1957, esp. pp. 207–32) on "polity-centered kingship."

<sup>50</sup> Chiappelli (1952: 68). Cf. also Cassirer (1946: 133–7), Chabod (1962: 146–55), D'Entrèves (1967: 30–2).

<sup>51</sup> It is important to emphasize, however, that in the cases cited in nn. 46 to 48, as in the case of Machiavelli, it would arguably be no less of an overstatement to insist

in question is not in fact viewed as independent of those who have charge of it. As Post himself concedes, the usual aim in early legal discussions of the *status regni* was to insist on a far more personal view of political power,<sup>52</sup> a view that was later to be revived by the proponents of absolute monarchy in the seventeenth century.<sup>53</sup> According to this argument, the ruler or chief magistrate, so far from being distinguishable from the institutions of the state, is said to possess and even embody those institutions himself. The same point can in most cases be made about Machiavelli's invocations of *lo stato* in *Il principe*. When he uses the term to refer to an apparatus of government, he is usually at pains to emphasize that it needs to remain in the hands of the prince: that *lo stato*, as he often puts it, remains equivalent to *il suo stato*, the prince's own state or condition of rulership.<sup>54</sup>

Even after the reception of humanist ideas about *lo stato* in northern Europe, the belief that the powers of government should be treated as essentially personal in character was to die hard. It is clearly this assumption, for example, which underlies many of the quarrels between kings and parliaments over the issue of taxation in the course of the sixteenth century. The basis of the parliamentary case was generally an assertion of the form that, except in times of dire necessity, kings should be able "to live of their own."<sup>55</sup> They should be able, that is, to ensure that their personal revenues remain sufficient to uphold both their own kingly state and the good state of their government.

that these are all unequivocally traditional usages. In the retreat from the type of overstatements cited in n. 50, this point seems in danger of being lost. Hexter in particular irons out a number of ambiguities that ought to be admitted (1973, esp. pp. 164–7 and cf. the corrective in Gilbert [1965, 329–30]). Mansfield (1983: 853) similarly concludes that we do not find anywhere in Machiavelli's writings "an instance of the impersonal modern state among his uses of *stato*." If by this he means that Machiavelli cannot unambiguously be said to express that concept, this is undoubtedly correct. My only objection is that there are several ambiguous passages; the history of the acquisition of the concept cannot be divided into such watertight compartments.

<sup>52</sup> See Post (1964: 334), on *status* being used to stress that the king "was not only the indispensable ruler but also the essence of the territorial State which he ruled."

<sup>53</sup> For this revival, see below, n. 94. Post claims that the medieval sources he discusses "anticipated the idea" of "l'état, c'est moi" (1964: 269; and cf. also pp. 333–5). But when this remark was uttered in seventeenth-century France (if it ever was) it was by then blankly paradoxical, and this would have been the point of uttering it. On this point see Mansfield (1983: 849) and cf. Rowen (1961) on Louis XIV as "proprietor of the state."

<sup>54</sup> See Machiavelli (1960: 16, 47, 87, 95). Cf. on this point Mansfield (1983: 852).

<sup>55</sup> In England this demand (and this phrase) can be found as late as early-Stuart arguments over royal revenues. See for example the parliamentary debate of 1610 quoted in Tanner (1930: 359).

I conclude that, for all the importance of the writers I have been considering, they cannot in general be said to articulate a recognizable concept of the state with anything like complete self-consciousness. It would not perhaps be too bold to assert, indeed, that in all the discussions about the state and government of princes in the first half of the sixteenth century, there will be found scarcely any instance in which the *état*, *staat* or state in question is unequivocally separated from the status or standing of the prince himself.<sup>56</sup>

This is not to deny, however, that the crystallizing of a recognizable concept of the state was one of the legacies of Renaissance political thought. It is merely to suggest that, if we wish to follow the process by which this development took place, we need to focus not merely on the mirror-for-princes literature on which I have so far concentrated, but also on the other strand of thought about the *optimus status reipublicae* that I began by singling out. We need, that is, to turn our attention to the rival tradition of Renaissance republicanism, the tradition centring on the claim that, if there is to be any prospect of attaining the *optimus status reipublicae*, we must always institute a self-governing form of republican regime.

Among the republican theorists of Renaissance Italy, the main reason given for this basic commitment was that all power is liable to corrupt. All individuals or groups, once granted sovereignty over a community, will tend to promote their own interest at the expense of the community as a whole. It follows that the only way to ensure that the laws promote the common good must be to leave the whole body of citizens in charge of their own public affairs. If their government is instead controlled by an authority external to the community itself, that authority will be sure to subordinate the good of the community to its own purposes, thereby interfering with the liberty of individual citizens to attain their chosen goals. The same outcome will be no less likely under the rule of an hereditary prince. Since he will generally seek his own ends rather than the common good, the community will again forfeit its liberty to act in pursuit of whatever goals it may wish to set itself.

This basic insight was followed up within the republican tradition in two distinct ways. It was used in the first place to justify an

<sup>56</sup> Even in France, the country in which, after Italy, traditional assumptions about the *status* of princes first changed, this arguably remains true until the 1570s. On this point see below, section V, and cf. Lloyd (1983: 146–53). In Spain the old assumptions appear to have survived until at least the middle of the seventeenth century, *pace* Maravall (1961). See Elliot (1984: 42–5, 121–2). In Germany a purely patrimonial concept of government appears to have survived even longer. See the comments in Shennan (1974: 113–14).

assertion of civic autonomy and independence, and so to defend the *libertas* of the Italian cities against external interference. This demand was initially directed against the Empire and its claims of feudal suzerainty over the *Regnum Italicum*. It was first developed by such jurists as Azo, and later by Bartolus and his followers,<sup>57</sup> seeking to vindicate what Bartolus described as "the *de facto* refusal of the cities of Tuscany to recognize any superior in temporal affairs."<sup>58</sup> But the same demand for *libertas* was also directed against all potential rivals as sources of coercive jurisdiction within the cities themselves. It was claimed on the one hand against local feudatories, who continued to be viewed, as late as Machiavelli's *Discorsi*, as the most dangerous enemies of free government (Machiavelli 1960, I.55: 254–8). And it was even more vehemently directed against the jurisdictional pretensions of the church. The most radical response, embodied for example in Marsilius's *Defensor pacis* of 1324, took the form of insisting that all coercive power is secular by definition, and thus that the church has no right to exercise civil jurisdictions at all (Marsilius 1956, esp. II.4: 113–26). But even in the more orthodox treatises on city government, such as that of Giovanni da Viterbo, the church is still refused any say in civic affairs. The reason, as Giovanni expresses it, is that the ends of temporal and ecclesiastical authority are completely distinct (Giovanni da Viterbo 1901: 266–7). The implication is that, if the church tries to insist on any jurisdiction in temporal matters, it will simply be "putting its sickle into another man's harvest."<sup>59</sup>

The other way in which the basic insight of the republican tradition was developed was in the form of a positive claim about the precise type of regime we need to institute if we are to retain our *libertas* to pursue our chosen goals. The essence of the republican case was that the only form of government under which a city can hope to remain "in a free state" will be a *res publica* in the strictest sense. The community as a whole must retain the ultimate sovereign authority, assigning its rulers or chief magistrates a status no higher than that of elected officials. Such magistrates must in turn be treated not as rulers in the full sense, but merely as agents of *ministri* of justice, charged with the duty of ensuring that the laws established by the community for the promotion of its own good are properly enforced.

<sup>57</sup> See Calasso (1957: 83–123), and Wahl (1977). For analogous reinterpretations of the Decretals, see Mochi Onory (1951). For a survey see Tierney (1982).

<sup>58</sup> See Bartolus (1562, 47.22: 779) on the "civitates Tusciae, quae non recognoscunt de facto in temporalibus superiorem."

<sup>59</sup> Giovanni da Viterbo (1901: 266): "in alterius messem falcem suam mittere."



This contrast between the freedom of republican regimes and the servitude implied by any form of monarchical government has often been viewed as a distinctive contribution of *quattrocento* Florentine thought.<sup>60</sup> But the underlying assumption that liberty can be guaranteed only within a republic can already be found in many Florentine writers of the previous century.<sup>61</sup> Dante speaks in the *Inferno* of the move from seigneurial to republican rule as a move from tyranny to a *stato franco*, a state or condition of civic liberty (1966, xxvii. 54: 459). Ceffi repeatedly emphasizes in his *Dicerie* that the only means of guaranteeing civic *libertà* is to ensure that one's city remains under the guidance of an elected magistrate (Giannardi 1942: 32, 35, 41, 44). And Villani in his *Istorie Florentine* likewise contrasts the free *stato* of the Florentine republic with the tyranny imposed by the Duke of Athens as *signore* in 1342 (1802-3, vol. VIII: 11).

It is certainly true, however, that the equation between living in a republic and living "in a free state" was worked out with the greatest assurance by the leading republican theorists of Venice and Florence in the course of the high Renaissance. Among the Venetian writers, Gasparo Contarini furnished the classic statement of the argument in his *De republica Venetorum* of 1543. Owing to the city's elective system of government, he declares, in which "a mixture of the *status* of the nobility and of the people" is maintained, "there is nothing less to be feared in the city of Venice than that the head of the republic will interfere with the *libertas* or the activities of any of the citizens."<sup>62</sup> Among Florentine theorists, it was of course Machiavelli in his *Discorsi* who provided the most famous version of the same argument. "It is easy to understand," as he explains at the start of book II, "whence the love of living under a free constitution springs up in peoples. For experience shows that no cities have ever increased in dominion or in riches except when they have been established in liberty."<sup>63</sup> The reason, he goes on, "is easy to perceive, for it is not the pursuit of individual advantage but of the common good that makes cities great, and there is no doubt that it is only

<sup>60</sup> This is, for example, the main thesis of Baron (1966).

<sup>61</sup> For this assumption in *trecento* Florentine diplomacy, see Rubinstein (1952).

<sup>62</sup> Contarini (1626: 22 and 56): "temperandam . . . ex optimatum et populari statu . . . nihil minus urbi Venetae timendum sit, quam principem reipublicae libertati ullum unquam negotium facessere posse." On Contarini see Pocock (1975: 320-8).

<sup>63</sup> Machiavelli (1960, II.2: 280): "E facil cosa è conoscere donde nasca ne' popoli questa affezione del vivere libero: perché si vede per esperienza le cittadi non avere mai ampliato né di dominio né di ricchezza se non mentre sono state in libertà."

under republican regimes that this ideal of the common good is followed out."<sup>64</sup>

From the point of view of my present argument, these commitments can now be seen to be crucial in two different ways. It is within this tradition of thought that we encounter, for the first time, a vindication of the idea that there is a distinct form of "civil" or "political" authority which is wholly autonomous, which exists to regulate the public affairs of an independent community, and which brooks no rivals as a source of coercive power within its own *civitas* or *respublica*. It is here, in short, that we first encounter the familiar understanding of the state as a monopolist of legitimate force.

This view of "civil government" was of course taken up in France and England at an early stage in their constitutional development. It underlies their hostility to the jurisdictional power of the church, culminating in France in the "Gallican" Concordat of 1516, in England in the Marsiglian assumptions underpinning the Act of Appeals in 1533. It also underlies their repudiation of the Holy Roman Empire's claim to exercise any jurisdictions within their territories, a repudiation founded on a reworking of Azo's and later Bartolus's theories of *imperium* into the celebrated dictum that *Rex in regno suo est Imperator*.

For the origins of this view of civil government, however, we need to turn back to thirteenth-century Italy, and specifically to the political literature engendered by the self-governing city-republics of that period. Writing in the 1250s, Giovanni da Viterbo already takes his theme to be the analysis of civil power, that form of power which upholds the *civium libertas* or liberty of those who live together as citizens (Giovanni da Viterbo 1901: 218). Writing only a decade later, Brunetto Latini goes on to add that those who study the use of such power in the government of cities are studying "politics," "the noblest and the highest of all the sciences."<sup>65</sup> It is this neoclassical tradition to which later theorists of popular sovereignty are ultimately alluding when they speak of an autonomous area of "civil" or "political" authority, and offer to explicate what Locke (1967: 283) was to call "the true original, extent and end of civil government."

The other way in which the republican tradition contributed to

<sup>64</sup> Machiavelli (1960, II.11: 280): "La ragione è facile a intendere: perché non il bene particolare ma il bene comune è quello che fa grandi le città. E senza dubbio questo bene comune non è osservato se non nelle repubbliche."

<sup>65</sup> See Latini (1948: 391) on "politique ... la plus noble et la plus haute science."

crystallizing a recognizable concept of the state is of even greater importance. According to the writers I have been considering, a city can never hope to remain in a free state unless it succeeds in imposing strict conditions on its rulers and magistrates. They must always be elected; they must always remain subject to the laws and institutions of the city which elects them; they must always act to promote the common good – and hence the peace and happiness – of the sovereign body of its citizens. As a result, the republican theorists no longer equate the idea of governmental authority with the powers of particular rulers or magistrates. Rather they think of the powers of civil government as embodied in a structure of laws and institutions which our rulers and magistrates are entrusted to administer in the name of the common good. They cease in consequence to speak of rulers “maintaining their state” in the sense of maintaining their personal ascendancy over the apparatus of government. Rather they begin to speak of the *status* or *stato* as the name of that apparatus of government which our rulers may be said to have a duty to maintain.

There are already some hints of this momentous transition in the earliest treatises and *dictamina* intended for chief magistrates of city-republics. Brunetto Latini insists in his *Trésor* of 1266 that cities must always be ruled by elected officials if the *bien commun* is to be promoted. He further insists that these *sires* must follow the laws and customs of the city in all their public acts (Latini 1948, esp. pp. 392, 408, 415; 402, 412). And he concludes that such a system is indispensable not merely to maintaining such officials in a good *estat*, but also to maintaining “the *estat* of the city itself.”<sup>66</sup> A similar hint can be found in Giovanni da Vignano’s *Flore de parlare* of the 1270s. In one of his model letters, designed for the use of city ambassadors when seeking military help, he describes the government of such communities as their *stato*, and accordingly appeals for support “in order that our good *stato* can remain in wealth, honor, greatness and peace.”<sup>67</sup> Finally, the same hint recurs soon afterwards in Matteo dei Libri’s *Arringa* on the identical theme. He sets out a very similar model speech for ambassadors to deliver, advising them to appeal for help “in order that our good *stato* may be able to remain in peace.”<sup>68</sup>

It is only with the final flowering of Renaissance republicanism,

<sup>66</sup> Latini (1948: 403) on “l’*estat* de vous et de cette ville.” Cf. p. 411 on the idea of remaining “en bon *estat*.”

<sup>67</sup> Giovanni da Vignano (1974: 247): “che il nostro bom *stato* porà remanere in largheça, honore, grandeça e reponso.”

<sup>68</sup> Matteo dei Libri (1974: 12): “ke ‘l nostro bon *stato* potrà romanire in reposito.”

however, that we find such usages occurring with their unequivocally modern sense. Even here, moreover, this development is largely confined to the vernacular literature. Consider, by contrast, a work such as Alamanno Rinuccini's Latin dialogue of 1479, *De libertate* (1957). This includes a classic statement of the claim that individual as well as civic liberty is possible only under the laws and institutions of a republic. But Rinuccini never stoops to using the barbarous term *status* to describe the laws and institutions involved; he always prefers to speak of the *civitas* or *respublica* itself as the locus of political authority. So too with such classic Venetian writers as Contarini in his *De republica Venetorum*. Although Contarini has a clear conception of the apparatus of government as a set of institutions independent of those who control them, he never uses the term *status* to describe them, but always prefers in a similar way to speak of their authority as embodied in the *respublica* itself.<sup>69</sup>

If we turn, however, to the rather less pure latinity of Francesco Patrizi's *De institutione reipublicae*, we encounter a significant development in his chapter on the duties of magistrates. He lays it down that their basic duty is to act "in such a way as to promote the common good," and argues that this above all requires them to uphold "the established laws" of the community.<sup>70</sup> He then summarizes his advice by saying that this is how magistrates must act "if they are to prevent the *status* of their city from being overturned."<sup>71</sup>

It is in the vernacular writers on republicanism of the next generation, however, that we find the term *stato* being used with something approaching full self-consciousness to express a recognizable concept of the state. Guicciardini's *Discorso* on how the Medici should act to improve their control over Florence provides a suggestive example. He advises them to gather around themselves a group of advisers who are loyal to the *stato* and willing to act on its behalf. The reason is that "every *stato*, every form of sovereign power, needs dependents" who are willing "to serve the *stato* and benefit it in everything."<sup>72</sup> If the Medici can manage to base their regime on such a group, they can hope to establish "the most

<sup>69</sup> See Contarini (1626, at pp. 28 and 46), two cases where, in Lewkenor (1969), *respublica* is rendered as "state." On Lewkenor's translation see Fink (1962: 41-2).

<sup>70</sup> Patrizi (1594: 281) on the duty to uphold "veteres leges" and act "pro communi utilitate."

<sup>71</sup> Patrizi (1594a: 292 and 279) on how to act "ne civitatis status evertatur" and "statum reipublicae everterunt."

<sup>72</sup> Guicciardini (1932: 271-2): "ogni stato ed ogni potenza eminente ha bisogno delle dipendenze . . . che tutti servirebbono a beneficio dello stato." Cf. also pp. 276, 279.

powerful foundation for the defence of the *stato*" that anyone could aspire to set up.<sup>73</sup>

Finally, if we turn to Machiavelli's *Discorsi*, we find the term *stato* being used with even greater confidence to denote the same apparatus of political authority. It is of course true that Machiavelli continues largely to employ the term in the most traditional way to refer to the state or condition of a city and its way of life (Machiavelli 1960: 135, 142, 153, 192, 194, etc.). And even when he mentions *stati* in the context of describing systems of government, these usages are again largely traditional: he is generally speaking either about a species of regime,<sup>74</sup> or about the general area or territory over which a prince or republic holds sway.<sup>75</sup>

There are several occasions, however, especially in the analysis of constitutions at the start of book I, where he appears to go further. The first is when he writes in chapter 2 about the founding of Sparta. He emphasizes that the system of laws promulgated by Lycurgus remained distinct from, and served to control, the kings and magistrates entrusted with upholding the laws themselves. And he characterizes Lycurgus's achievement in creating this system by saying that "he established *uno stato* which then endured for more than eight hundred years."<sup>76</sup> The next instance occurs in chapter 6, where he considers whether the institutions of government in republican Rome could have been set up in such a way as to avoid the "tumults" which marked that city's political life. He puts the question in the form of asking "whether it might have been possible to establish *uno stato* in Rome" without that distinctive weakness.<sup>77</sup> That last and most revealing case occurs in chapter 18, where he considers the difficulty of maintaining *uno stato libero* within a corrupt city. He not only makes an explicit distinction between the authority of the magistrates under the ancient Roman republic and the authority of the laws "by means of which, together with the magistrates, the citizens were kept under control."<sup>78</sup> He adds in the same passage that the latter set of institutions and practices can best be described as "the order of the government or, indeed, of *lo stato*."<sup>79</sup>

<sup>73</sup> Guicciardini (1932: 273): "uno barbacane e fondamento potentissimo a difesa dello stato."

<sup>74</sup> See for example Machiavelli (1960, I.2: 130-2, and also pp. 182, 272, 357, etc.).

<sup>75</sup> See in particular Machiavelli (1960, II.24: 351-3).

<sup>76</sup> Machiavelli (1960, I.2: 133): "Licurgo . . . fece uno stato che durò più che ottocento anni."

<sup>77</sup> Machiavelli (1960, I.6: 141): "se in Roma si poteva ordinare uno stato . . ."

<sup>78</sup> Machiavelli (1960, I.18: 180): "le leggi dipoi che con i magistrati frenavano i cittadini."

<sup>79</sup> Ibid.: "l'ordine del governo o vero dello stato."

It has often been noted that, with the reception of Renaissance republicanism in northern Europe, we begin to encounter similar assumptions among Dutch and English protagonists of "free states" in the middle of the seventeenth century.<sup>80</sup> It has less often been recognized that the same assumptions, couched in the same vocabulary, can already be found more than a century earlier among the first writers who attempted to introduce the ideals of civic humanism into English political thought. Thomas Starkey, for example,<sup>81</sup> distinguishes at several points in his *Dialogue* between the state itself and "they which have authority and rule of the state" (Starkey 1948: 61; cf. also 57, 63). It is the "office and duty" of such rulers, he goes on, to "maintain the state established in the country" over which they hold sway, "ever looking to the profit of the whole body" rather than to their own good (Starkey 1948: 64). The only method, he concludes, of "setting forward the very and true commonweal" is for everyone to recognize, rulers and ruled alike, that they are "under the same governance and state" (Starkey 1948: 71).

The same assumptions can be found soon afterwards in John Ponet's *Short Treatise of Politic Power* of 1556. He too speaks of rulers simply as the holders of a particular kind of office, and describes the duty attaching to their office as that of upholding the state. He is thus prompted to contrast the case of "an evil person coming to the government of any state" with a good ruler who will recognize that he has been "to such office called for his virtue, to see the whole state well governed and the people defended from injuries" (Ponet 1942: 98).

Finally, and perhaps most significantly, we find the same phraseology in Tudor translations of the classic Italian treatises on republican government. When Lewes Lewkenor, for example, issued his English version of Contarini's *De republica Venetorum* in 1599, he found himself in need of an English term to render Contarini's basic assumption that the authority of the Venetian government remains inherent at all times in the *civitas* or *respublica* itself, with the Doge and Council serving merely as representatives of the citizen-body as a whole. Following standard humanist usage, he generally expresses this concept by the term "commonwealth." But in speaking of the relationship between a commonwealth and its

<sup>80</sup> See Fink (1962: 10–20, 56–68); Raab (1964: 185–217); Pocock (1975: 333–422); Haitzma Mulier (1980: 26–76).

<sup>81</sup> I see no justification for the claim that Starkey merely "dressed up" his *Dialogue* in civic humanist terms. See Mayer (1985: 25) and cf. Skinner (1978, vol. I: 213–42) for an attempt to place Starkey's ideas in a humanist context.

own citizens, he sometimes prefers instead to render *respublica* as "state." When he mentions the possibility of enfranchizing additional citizens in Venice, he explains that this can take place in special circumstances when someone can be shown to have been especially "dutiful towards the state." And when he discusses the Venetian ideal of citizenship, he feels able to allude in even more general terms to "the citizens, by whom the state of the city is maintained" (Lewkenor 1969: 18, 33).

## V

For all the undoubted importance of these classical republican theorists, however, it would still be misleading to conclude that their use of the term *stato* and its equivalents may be said to express our modern concept of the state. That concept has come to embody a doubly impersonal character.<sup>82</sup> We distinguish the state's authority from that of the rulers or magistrates entrusted with the exercise of its powers for the time being. But we also distinguish its authority from that of the whole society or community over which its powers are exercised. As Burke (1910: 93) remarks in his *Reflections* – articulating a view already well entrenched by that time – "society is indeed a contract," but "the state ought not to be considered as nothing better than a partnership agreement" of a similar nature. Rather the state must be acknowledged to be an entity with a life of its own; an entity which is at once distinct from both rulers and ruled and is able in consequence to call upon the allegiances of both parties.

The republican theorists embrace only one half of this doubly abstract notion of the state. On the one hand there is, I think, no doubt that they constitute the earliest group of political writers who insist with full self-consciousness on a categorical distinction between the state and those who have control of it, and at the same time express that distinction as a claim about the *status*, *stato* or state. But on the other hand they make no comparable distinction between the powers of the state and those of its citizens. On the contrary, the whole thrust of classical republican theory is directed towards an ultimate equation between the two. Although this undoubtedly yields a recognizable concept of the state – one that many Marxists and exponents of direct democracy continue to

<sup>82</sup> A point emphasized by Shennan (1974: 9, 113–14) and Mansfield (1983: 849–50).

espouse – it is far from being the concept we have inherited from the more conservative mainstream of early-modern political thought.

The differences can be traced most clearly in the literature in praise of “free states.” Consider again, for example, one of the earliest English works of this character, John Ponet’s *Short Treatise of Politic Power*. As we have seen, Ponet makes a firm distinction between the office and person of a ruler, and even uses the term “state” to describe the form of civil authority our rulers have a duty to uphold. But he makes no analogous distinction between the powers of the state and those of the people. Not only does he maintain that “kings, princes and governors have their authority of the people”; he also insists that ultimate political authority continues to reside at all times in “the body or state of the realm or commonwealth” (Ponet 1942: 106, 105). If kings or princes are found to be “abusing their office,” it is for the body of the people to remove them, since the ultimate powers of sovereignty must always remain lodged within “the body of every state” (Ponet 1942: 105; cf. also pp. 111, 124).

The same commitment is upheld even by the most sophisticated defenders of “free states” in the seventeenth century. A good example is furnished by Milton’s *Ready and Easy Way to Establish a Free Commonwealth*. If we are to maintain “our freedom and flourishing condition,” he argues, and establish a government “for preservation of the common peace and liberty,” it is indispensable that the sovereignty of the people should never be “transferred.” It should be “delegated only” to a governing Council of State (Milton 1980: 432–3, 456). The institutions of the state are thus conceived as nothing more than a means of expressing the powers of the people in an administratively more convenient form. As Milton had earlier emphasized in *The Tenure of Kings and Magistrates*, whatever authority our rulers may possess is merely “committed to them in trust from the people, to the common good of them all, in whom the power yet remains fundamentally” at all times (Milton 1962: 202). As a result, Milton, Harrington, and other defenders of “free states” hardly ever use the term “state” when speaking of the institutions of civil government. Believing as they do that such institutions must remain under the control of the whole community if its members are to preserve their birthright of liberty, they almost always prefer the term “commonwealth” as a means of referring not merely to bodies of citizens, but also to the forms of political authority by which they



must be governed if they are to remain "in a free state."<sup>83</sup>

The same is no less true of the "monarchomachs" and other contractarian opponents of early-modern absolutism who first rose to prominence in the later sixteenth century, especially in Holland and France. Deriving their arguments mainly from scholastic rather than classical republican sources, these writers are not generally republican in the strict sense of believing that the common good of a community can never be satisfactorily assured under a monarchical form of government. Usually they are quite explicit in claiming that (to cite Marsilius of Padua's terminology) as long as the ultimate powers of a *legislator humanus* within a *civitas* or *respublica* remain in the hands of the *populus*, there is no reason to doubt that – as Aristotle had taught – a variety of different constitutional forms may be equally capable of promoting the common good, and hence the peace and happiness of the community as a whole. Some writers within this tradition, such as Marsilius himself, in consequence exhibit little interest in whether a republican or a monarchical regime is established, save only for insisting that if the latter type is chosen, the *pars principans* must always be elected.<sup>84</sup> Others, including François Hotman and other French monarchomachs who followed his lead in the 1570s, remain content to assume that the body of the commonwealth will normally have a monarchical head, and similarly concentrate on hedging the institution of monarchy in such a way as to make it compatible with the liberty and ultimate sovereignty of the people.<sup>85</sup> Still others, such as Locke in his attack on Filmer's absolutism in the *Two Treatises of Government*, suppose there to be good reasons for preferring a monarchical form of government with a liberal allowance of personal prerogative, if only to mitigate the rigours of an undiluted theory of distributive justice by allowing a "power to act according to discretion for the public good."<sup>86</sup>

In common with the defenders of "free states," however, these writers still assume that the apparatus of government in a *civitas* or *respublica* amounts to nothing more than a reflection of, and a device

<sup>83</sup> See Harrington (1977: 173) for the claim that "the interest of the commonwealth is in the whole body of the people," and his invariable preference, in the "Preliminaries" to *Oceana*, for speaking of "the city" or "commonwealth" as the locus of political authority. See also pp. 161, 170, 171–2, 182–3.

<sup>84</sup> Marsilius of Padua (1956, I.8 and 9: 27–34). For the special significance of Marsilius within this tradition of thought see Condren (1985: 262–9).

<sup>85</sup> See esp. Hotman (1972: 287–321), where he lays out his view of the French constitution as a mixed monarchy.

<sup>86</sup> Locke (1967: 393). On Locke's *Two Treatises* essentially as an attack on Filmerian absolutism, see Laslett (1967: 50–2, 67–78) and cf. Dunn (1969: 47–57, 58–76, 87–95). On the place of this concept in Locke's theory see Dunn (1969: 148–56).

for upholding, the sovereignty of the people. Even in a theory such as Locke's, government is still viewed simply as a trust established by the members of a community for the more effective promotion of their own good, "the peace, safety and public good of the people" (Locke 1967: 371).

The effect of this commitment, in this tradition no less than in classical republicanism, is that no effective contrast is drawn between the power of the people and the powers of the state.<sup>87</sup> These writers do distinguish, of course, between the apparatus of government and the authority of those who may happen to have control of it at any one time. Just as strongly as the republican theorists, they insist on a complete separation between a ruler's person and his office, and argue that – as Locke puts it – even a supreme magistrate is merely a "public person" who is "vested with the power of the law" and charged with directing the legislative toward the attainment of the common good.<sup>88</sup> They still assume, however, that the range of powers a community establishes over itself when its members consent to become subjects of a civil government must ultimately be identified with its own powers as a community. As Locke (1967: 369, 385) insists, we never "deliver up" our fundamental liberties in establishing a commonwealth, but merely depute or delegate a known and indifferent judge to safeguard them more effectively on our own behalf. Although this means that we commit ourselves to setting up a complex apparatus of government, it also means that the powers of such a government can never amount to anything more than "the joint power of every member of the society." This is how it comes about, as Locke concludes, that "the community perpetually retains a supreme power" over its prince or legislative, "and must, by having deputed him, have still a power to discard him when he fails in his trust" (Locke 1967: 375, 385, 445).

As a result, these writers never find themselves tempted to use the terms *status* or state when describing the powers of civil government. When they envisage the members of a *civitas* or community instituting what Locke (1967: 434) calls a form of umpirage for the settlement of their controversies, they conceive of them not as

<sup>87</sup> Howell (1983: 155), while agreeing that this is true of Hotman, argues that two other "monarchomach" theorists – Beza and the author of the *Vindiciae contra tyrannos* – "implied the existence of the secular state as an entity distinct from ruler and people." I cannot see that either writer distinguished the powers of the state from those of the people. Cf. Skinner (1978, vol. II: 318–48).

<sup>88</sup> Locke (1967: 386). Cf. also pp. 301, 360–1, 371, 381 for the idea of rulers as mere trustees. See also Hotman (1972: 154 and 402–4) on kings as magistrates "tied" by the duties of their office.

entering a new state, but simply as setting up a new form of society—a civil or political society within which the wealth or welfare of the community can be better secured. So they continue to invoke the terms *civitas* or *respublica* to refer to the apparatus of civil government, usually translating these terms as “city” or “commonwealth.” As Locke (1967: 373) explicitly states, “by commonwealth I must be understood all along” to mean “any independent community which the Latins signified by the word *civitas*, to which the word which best answers in our language is commonwealth.”

If we wish, therefore, to trace the process by which the powers of the state finally came to be described as such, and seen at the same time as distinct from both the powers of the people and of their magistrates, we need at this juncture to turn to a strongly contrasting tradition of early-modern political thought. We need to turn to those writers who addressed themselves critically to the thesis of popular sovereignty we have just been considering, whether in its republican guise as a claim about “free states,” or in its neoscholastic form as a claim about the inalienable rights of communities. We need to turn, that is, to those theorists whose aspirations included a desire to legitimize the more absolutist forms of government that began to develop in western Europe in the early part of the seventeenth century. It was as a by-product of their arguments, and in particular of their efforts to insist that the powers of government must be something other than a mere expression of the powers of the governed, that the concept of the state as we have inherited it was first articulated with complete self-consciousness.

Some of these counter-revolutionary theorists were mainly concerned with the radical scholastic thesis—associated in particular with Marsilius and his successors—to the effect that the *populus* and the *legislator humanus* can be equated. The repudiation of this doctrine became one of the chief polemical aims of later sixteenth-century Thomism, with Suarez’s *De legibus* of 1612 containing the fullest and most influential summary of the alleged counter arguments.<sup>89</sup> Others were more disturbed by the monarchomach theories of popular sovereignty thrown up by the religious wars in the latter part of the sixteenth century. Bodin in particular seeks in his *Six livres de la république* of 1576 to refute the arguments of those who were claiming that, as Knolles’s translation of 1606 puts it, “princes sent

<sup>89</sup> On this school of thought see Hamilton (1963) and Fernandez-Santamaria (1977). On the character of their natural-law (as opposed to divine-right) theories of absolutism see Sommerville (1982 and 1986: 59–80). For a contrast with later theories of popular sovereignty see Tully (1980: 64–8 and 111–16).

by providence to the human race must be thrust out of their kingdoms under a pretence of tyranny."<sup>90</sup> Still others were no less perturbed by the implications of the republican allegation that, as Hobbes (1968: 369) scornfully paraphrases it in *Leviathan*, "the subjects in a popular commonwealth enjoy liberty," while "in a monarchy they are all slaves." Hobbes himself, like Grotius before him, engages with this as well as with the neoscholastic thesis of popular sovereignty, and undoubtedly offers the most systematic attempt to answer the question that preoccupies all these theorists: how to vindicate an account of civil government which at once concedes the original sovereignty of the people and is at the same time absolutist in its political allegiances.

If there is one thesis by which these writers are all especially agitated, it is the suggestion that the powers of civil government constitute nothing more than a reflection of the powers of the people. They concede, of course, that coercive authority must be justified by its capacity to ensure the common good, and in consequence the peace and happiness of the citizen-body as a whole. Hobbes believes no less firmly than Marsilius that, as he repeatedly declares in *Leviathan*, all governments must be judged by their "aptitude to produce the peace and security of the people, for which end they were instituted."<sup>91</sup> What none of these writers can accept, however, is the idea that the form of authority required to produce such benefits can appropriately be envisaged as nothing more than a trustee, a type of official to whom the people delegate the exercise of their own authority purely as a matter of administrative convenience. Political power, they all admit, is originally instituted by the people, but never in the form of a trust. It is instituted by means of what Suarez calls "absolute transfer" of the people's sovereignty, one that takes the form of "a kind of alienation, not a delegation at all."<sup>92</sup> To set up a mere "depository" or "guardian" of sovereign power, as Bodin agrees, is not to set up a genuine "possessor" of sovereignty at all.<sup>93</sup> For the people to perform that particular act, as Hobbes similarly stresses at several points in *Leviathan*, it is essential for them to recognize that they are "renouncing and transferring" their own original sovereignty, with

<sup>90</sup> See Bodin (1962: A71). For Bodin's concern to refute the "monarchomachs" see Franklin (1973, esp. pp. vii, 50, 93) and Salmon (1973, esp. pp. 361, 364).

<sup>91</sup> Hobbes (1968: 241). Cf. also pp. 192, 223, 237, etc.

<sup>92</sup> Suarez (1612: 210): "Quocirca translatio huius potestatis a republica in principem non est delegatio, sed quasi alienatio . . . simpliciter illi conceditur."

<sup>93</sup> Bodin (1576: 125) distinguishes between "possesseurs" of sovereignty and those who "ne sont que depositaires et gardes de cette puissance."

the implication that it is totally "abandoned or granted away" to someone else (Hobbes 1968: 190, 192).

Civil government, they insist, cannot therefore be seen as the powers of citizens under another guise. It must be seen as a distinct form of power, for reasons that Hobbes enunciates with complete assurance in *De cive* almost a decade before giving them classic expression in *Leviathan*. "Though a government," he declares, "be constituted by the contracts of particular men with particulars, yet its right depends not on that obligation only" (Hobbes 1983: 105). By constituting such a government, "that right which every man had before to use his faculties to his own advantages is now wholly translated on some certain man or council for the common benefit" (Hobbes 1983: 105). It follows that whatever power is thereby installed in authority must be recognized "as having its own rights and properties, insomuch as neither any one citizen, nor all of them together" can now be accounted its equivalent (Hobbes 1983: 89). This, as he was later to put it, "is the generation of that great Leviathan, or rather (to speak more reverently) of that mortal God, to which we owe, under the immortal God, our peace and defence. For by this authority, given him by every particular man in the commonwealth, he hath the use of so much power and strength conferred on him, that by terror thereof, he is enabled to form the wills of them all to peace at home and mutual aid against their enemies abroad" (Hobbes 1968: 227).

It is important, however, not to conflate this form of absolutism with that of the divine-right theorists who rose to such prominence during the same period. A writer like Bossuet, for example, deliberately sets out to obliterate the distinction between the office and person of a king. Echoing the celebrated remark attributed to Louis XIV, he insists that the figure of a ruler "embodies in himself the whole of the state": *tout l'état est en lui*.<sup>94</sup> By contrast, even Hobbes declares as unambiguously as possible that the powers of a ruler are never personal powers at all. They are owed entirely to his standing as holder of "the office of the sovereign," the principal duty of which, as Hobbes never tires of repeating, "consisteth in the end for which he was trusted with the sovereign power, namely the procuration of the safety of the people" (Hobbes 1968: 376).

With Hobbes no less than with Bodin, Suarez, Grotius, and the whole developing tradition of natural-law absolutism, we accordingly arrive at the view that the ends of civil or political association

<sup>94</sup> Bossuet (1967: 177). On this variety of absolutism see Keohane (1980: 241-61) and Sommerville (1986: 9-50).

make it indispensable to establish a single and supreme sovereign authority whose power remains distinct not merely from the people who originally instituted it, but also from whatever office-holders may be said to have the right to wield its power at any particular time. What, then, is this form of political authority to be called?

Not surprisingly, these writers at first respond by reaching for traditional names. One suggestion, much canvassed by Bodin and later adopted by Hobbes in *De cive*, was that we should think of the authority in question as embodied in the *civitas*, the *ville* or the city as opposed to either its citizens or its magistrates.<sup>95</sup> But the most usual proposal was that we should think of it as that form of authority which inheres in the *respublica*, the *république* or the commonwealth. Suarez and Grotius, writing in Latin, both speak of the *respublica*.<sup>96</sup> Bodin, writing originally in French, speaks analogously of *la république*; translating his treatise into Latin in 1586, he rendered this as *respublica*; and when Knolles issued his English version in 1606, he in turn called the work *The Six Bookes of a Commonweale*.<sup>97</sup> Finally, Hobbes largely comes round to this terminology in *Leviathan*, speaking far less frequently of the city, and instead describing his work on its title-page as an enquiry into "the matter, form and power of a commonwealth" (Hobbes 1968: 73).

As these writers increasingly recognized, however, none of these traditional terms really served to render their meaning adequately. One obvious difficulty with "commonwealth" was the fact that, as Raleigh (1661: 3,8) complains in his *Maxims of State*, it had come to be used "by an usurped nickname" to refer to "the government of the whole multitude." To invoke it was thus to risk confusion with one of the theories of popular sovereignty they were most anxious to repudiate. Nor was it altogether satisfactory to speak instead of the city or *civitas*. It is true that Hobbes (1983: 89) consistently does so in *De cive*, declaring that "a city therefore (that we may define it) is one person whose will, by the compact of many men, is to be received for the will of them all." But the obvious difficulty here – in the face of which even Hobbes's confidence seems to have evaporated – was the need to insist on such a purely stipulative definition so strangely at variance with the ordinary meaning of the term.

It was at this juncture, within this tradition of thought, that a

<sup>95</sup> See Bodin (1576: 9 *et passim*) on the "ville" and "cité." Cf. Hobbes (1983: 89–90 *et passim*) for the concept of "a city or civil society."

<sup>96</sup> See Suarez (1612: 351–60) on the relations between the *princeps*, *leges* and *respublica*, and cf. Grotius (1625: 65) on *civitas* and *respublica* and p. 84 on the *romana respublica*.

<sup>97</sup> Cf. the full titles of Bodin (1576), Bodin (1586), and Bodin (1962).

number of these theorists began to resolve their difficulties by speaking instead of the *state*, while making it clear at the same time that they were consciously using the term to express their master concept of an impersonal form of political authority distinct from both rulers and ruled.

Bodin already hints at this final crystallizing of the concept at several points in his *République*.<sup>98</sup> Although he continues to write in traditional terms about rulers "who maintain their *estats*," he also uses the word *estat* on several occasions as a synonym for *république*.<sup>99</sup> Most significantly of all, he feels able to speak of "the state in itself" (*l'estat en soi*), describing it both as a form of authority independent of particular types of government, and as the locus of "indivisible and incommunicable sovereignty."<sup>100</sup> It is striking, moreover, that when Knolles came to translate these passages in 1606, he not only used the word "state" in all these instances, but also in a number of other places where Bodin himself had continued to speak in a more familiar vein of the authority of the *cit * or *république*.<sup>101</sup>

If we turn to English writers of the next generation, and above all to those "politic" humanists who were critical of classical republicanism, we find the same terminology used with increasing confidence. Raleigh, for example, not only speaks freely of the state in his *Maxims*, but makes it clear that he thinks of the state as an impersonal form of political authority, defining it as "the frame or set order of a commonwealth" (Raleigh 1661: 2). Bacon (1972: 89) writes in the final version of his *Essays* in a way that often suggests a similar understanding of political authority. He describes rulers as well as their councillors as having a duty to consider "the weal and advancement of the state which they serve." And he writes in a

<sup>98</sup> See Lloyd (1983: 156–62). Fell (1983, esp. pp. 92–107, 175–205) lays all his emphasis on Bodin's contemporary Corasius, though without investigating the extent to which he used the term *status* to express his concept of "the legislative state." But by the next generation the use of the vernacular term * tat* (or *estat*) to express such a concept had become well entrenched in France. See Church (1972: 13–80) and Keohane (1980: 54–82, 119–82). Dowdall (1923: 118), singles out Loyseau's discussion in his *Traite des seigneuries* (1608) of the relationship between "seigneuries souveraines" and "estats" as being of particular importance, and this point has been much developed. See Church (1972: 33–4) and Lloyd (1981 and 1983: 162–8).

<sup>99</sup> Bodin (1576, e.g. at pp. 219, 438).

<sup>100</sup> Bodin (1576: 282–3): "Et combien que le gouvernement d'une Republique soit plus ou moins populaire, ou Aristocratique, ou Royale, si est-que l'estat en soi ne re oit compairison de plus ni de moins: car toujours la souverain  indivisible et incommunicable est   un seul." Note also Bodin's use of the phrase 'en mati re d'estat' (576: 281, 414).

<sup>101</sup> See Bodin (1962: 184, 250, 451) and cf. pp. 10, 38, 409, 700 for some additional uses of "state."

number of other passages about the state and its rulers, the state and its subjects, the "founders of states" and the "subversion of states and governments" (Bacon 1972: 11, 42, 160, 165).

It is above all in Hobbes, however, and in other theorists of *de facto* sovereignty in the English revolution, that we find this new understanding of the state being articulated with complete assurance. It is true, as we have seen, that if we turn to the body of Hobbes's texts, we still find him exhibiting a preference for the traditional terminology of "city" and "commonwealth." But if we turn instead to his Prefaces, in the course of which he stands back from his own arguments and reviews their structure, we find him self-consciously presenting himself as a theorist of the state.

This transition can already be observed in the Preface to *De cive*, in the course of which he describes his project as that of explaining "what the quality of human nature is, in what matters it is, in what not, fit to make up a civil government, and how men must be agreed among themselves, that intend to grow up into a well-grounded state" (Hobbes 1983: 22). But it is in the Introduction to *Leviathan* that he proclaims most unequivocally that the subject matter of his entire investigation has been "that great Leviathan, called a Commonwealth or State (in Latin Civitas)" (Hobbes 1968: 81). Hobbes's ambition as a political theorist had always been to demonstrate that, if there is to be any prospect of attaining civil peace, the fullest powers of sovereignty must be vested neither in the people nor in their rulers, but always in the figure of an "artificial man."<sup>102</sup> Surveying this final redaction of his political philosophy, he at last felt able to add that, in speaking about the need for such an impersonal form of sovereignty, what he had been speaking about all along could best be described as the state.

## VI

As the above account suggests, the idea that the supreme authority within a body politic should be identified as the authority of the state was originally the outcome of one particular theory of politics, a theory at once absolutist and secular-minded in its ideological allegiances. That theory was in turn the product of the earliest major counter-revolutionary movement within modern European history, the movement of reaction against the ideologies of popular sovereignty developed in the course of the French religious wars,

<sup>102</sup> Hobbes (1968: 82) states that the aim of *Leviathan* is "to describe the nature of this artificial man."



and, subsequently, in the English Revolution of the seventeenth century. It is perhaps not surprising, therefore, to find that both the ideology of state power and the new terminology employed to express it provoked a series of doubts and criticisms that have never been altogether stilled.

Some of the initial hostility derived from conservative theorists anxious to uphold the old ideal of *un roi, une foi, une loi*. They wished to repudiate any suggestion that the aims of public authority should be purely civil or political in character, and thereby to reinstate a closer relationship between allegiance in church and state. But much of the hostility stemmed from those who wished to uphold a more radical ideal of popular sovereignty in place of the sovereignty of the state. Contractarian writers sought in consequence to keep alive a preference for speaking about the government of civil or political society,<sup>103</sup> while the so-called commonwealthmen maintained their loyalty to the classical ideal of the self-governing republic throughout much of the eighteenth century.<sup>104</sup>

It is true that, at the end of the century, a renewed counter-revolutionary effort was made to neutralize these various populist doubts. Hegel and his followers in particular argued that the English contractarian theory of popular sovereignty merely reflected a failure to distinguish the powers of civil society from those of the state, and a consequent failure to recognize that the independent authority of the state is indispensable if the purposes of civil society are to be fulfilled. But this hardly proved an adequate reassurance. On the one hand, the anxiety of liberal theorists about the relationship between the powers of states and the sovereignty of their citizens generated confusions which have yet to be resolved. And on the other hand, a deeper criticism developed out of these Hegelian roots, insisting that the state's vaunted independence from its own agents as well as from the members of civil society amounts to nothing more than a fraud. As a result, sceptics in the tradition of Michels and Pareto, no less than socialists in the tradition of Marx, have never ceased to insist that modern states are in truth nothing more than the executive arms of their own ruling class.

Given the importance of these rival ideologies and their distinctive vocabularies, it is all the more remarkable to observe how quickly

<sup>103</sup> Benjamin Hoadly, for example, continues to speak about "the civil power," "civil government" and "the power of the civil magistrate" rather than about the state. See "The Original and Institution of Civil Government, Discussed" in Hoadly (1773, vol. II: 189, 191, 201, 203 *et passim*).

<sup>104</sup> See the usages in Robbins (1959: 125, 283) and cf. Kramnick (1968, esp. pp. 236-60) and Pocock (1975, esp. pp. 423-505).

the term "state" and its equivalents nevertheless became established at the heart of political discourse throughout western Europe. By the middle of the eighteenth century the new terminology had become virtually inescapable for all schools of thought. Even so nostalgic an exponent of classical republicanism as Bolingbroke found himself constrained in his pamphleteering of the 1720s to talk about the authority of the state, and about the need for the state to be supported, protected, and above all reformed (1967a: 19, 43, 93, 131). By the time we come to Hume's essays of the 1750s,<sup>105</sup> or Rousseau's *Contrat social* of a decade later,<sup>106</sup> we find the concept of the state and the terms *état* and *state* being put to work in a consistent and completely familiar way.

The immediate outcome of this conceptual revolution was to set up a series of reverberations in the wider political vocabularies of the western European states. Once "state" came to be accepted as the master noun of political argument, a number of other concepts and assumptions bearing on the analysis of sovereignty had to be reorganized or in some cases given up. To complete this survey, we need finally to examine the process of displacement and redefinition that accompanied the entrenchment of the modern idea of the state.

One concept that underwent a process of redefinition was that of political allegiance. A subject or *subditus* had traditionally sworn allegiance to his sovereign as liege lord. But with the acceptance of the idea that sovereignty is lodged not with rulers but with the state, this was replaced by the familiar view that citizens owe their basic loyalty to the state itself.

This is not to say that those who originally advanced this argument had any desire to give up speaking of citizens as *subditi* or subjects. On the contrary, the earliest theorists of the state retained a strong preference for this traditional terminology, using it as a means of countering both the contractarian inclination to speak instead about the sovereignty of the *populus* or people, and the classical republican contention that we ought to speak only of *civitates* and *cives*, of cities and their citizens. Hobbes, for example, with his usual cunning, maintains in the first published version of his political theory that he is writing specifically "about the citizen" – *de cive*. Yet he makes it one of his most important polemical claims that "each

<sup>105</sup> Hume's main discussions of state power occur in his essays "Of Commerce" and "That Politics may be Reduced to a Science." See Hume (1875, vol. I: 100, 105 and 289, 294–5).

<sup>106</sup> See Rousseau (1966, "De l'état civil", pp. 55–6). On "état" in the political vocabulary of Rousseau and his contemporaries see Derathé (1950: 380–2) and Keohane (1980, esp. pp. 442–9).

citizen, as also every subordinate civil person" ought properly to regard himself as "the subject of him who hath the chief command" (Hobbes 1983: 90).

Hobbes is in complete agreement with his radical opponents, however, when he goes on to argue that citizens ("that is to say, subjects") ought not to pay allegiance to those who exercise these rights of sovereignty, but rather to the sovereignty inherent in the state or commonwealth itself (Hobbes 1983: 151). Hotman and later "monarchomach" theorists had already insisted that even holders of offices under a monarchy must be viewed as councillors of the kingdom, not of the king, and as servants of the crown, not of the person wearing it.<sup>107</sup> Hobbes simply reiterates the same argument when he declares with so much emphasis in *De cive* that the "absolute and universal obedience" owed by each and every subject is due not to the person of their ruler, but rather "to the city, that is to say, to the sovereign power" (Hobbes 1983: 186).

A further and closely connected concept that was comparably transformed was that of treason. As long as the concept of allegiance was connected with that of doing homage, the crime of treason remained that of behaving treacherously towards a sovereign lord. By the end of the sixteenth century, however, this came to seem less and less satisfactory. Even in the case of England, still bound by the Statute of 1350 which defined treason as compassing or imagining the king's death, the judges began to place increasingly wide constructions upon the meaning of the original Act. The aim in almost every case was to establish a view of treason essentially as an offence against the king in virtue of his office as head of state.<sup>108</sup> Meanwhile the political writers of the same period, untrammelled by the need to wrestle with precedents, had already arrived by a more direct route at the familiar view of treason as a crime not against the king but against the state. As always, Hobbes states the new understanding of the concept most unequivocally. As he declares at the end of his analysis of dominion in *De cive*, those who are guilty of treason are those who refuse to perform the duties "without which the State cannot stand"; the crime of treason is the crime of those who act "as enemies to the Government" (Hobbes 1983: 181).

Finally, the acceptance of the state as both a supreme and an impersonal form of authority brought with it a displacement of the more charismatic elements of political leadership which, as I indicated at the outset, had earlier been of central importance to the

<sup>107</sup> See Hotman (1972, e.g. pp. 254, 298, 402).

<sup>108</sup> On this process see Holdsworth (1925: 307-33).

theory and practice of government throughout western Europe.

Among the assumptions that suffered displacement, the most important was the claim I began by stressing: that sovereignty is conceptually connected with display, that majesty serves in itself as an ordering force. Machiavelli, for example, still assumes that a ruler can expect to derive protection from *la maestà dello stato*, from a connection between his own high state of stateliness and his capacity to maintain his state.<sup>109</sup> It proved impossible, however, for such beliefs about the charisma attaching to public authority to survive the transfer of that authority to the purely impersonal agency – the “purely moral person,” in Rousseau’s phrase<sup>110</sup> – of the modern state. By the start of the eighteenth century, we already find conservative writers lamenting that, as Bolingbroke (1967b: 333) puts it, “the state is become, under ancient and known forms, an undefinable monster,” with the result that a monarchy like England finds itself left with “a king without monarchical splendour” as head of state.

It was of course possible to transfer these attributes of majesty to the state’s agents, permitting them to conduct state openings of parliament, to be granted state funerals, to lie in state, and so forth. Once it became accepted, however, that even heads of state are simply holders of offices, the attribution of so much pomp and circumstance to mere functionaries came to be seen not merely as inappropriate but even absurd, a case not of genuine pomp but of sheer pomposity. This insight was first elaborated by the defenders of “free commonwealths” in their anxiety to insist that, in Milton’s phrase, rulers should never be “elevated above their brethren” but should “walk the streets as other men” (1980: 425). More’s *Utopia*, for example, contains an early and devastating portrayal of public magnificence as nothing more than a form of childish vanity (1965: 152–6). Ponet’s *Politick Power* includes a more minatory reminder of the punishments God visited upon the Israelites for demanding “a gallant and pompous king” (1942: 87). And Milton in *The Ready and Easy Way* condemns with deep disdain those rulers who aspire “to set a pompous face upon the superficial actings of state” (1980: 426).

One outcome of distinguishing the authority of the state from that of its agents was thus to sever a time-honoured connection

<sup>109</sup> Machiavelli (1960: 74, and cf. also pp. 76, 93). The same applies even more strongly to Machiavelli’s contemporaries among “mirror-for-princes” writers. See for example Pontano (1952: 1054–6), Sacchi (1608: 68).

<sup>110</sup> Rousseau (1966: 54) on “la personne morale qui constitue l’Etat.”

between the presence of majesty and the exercise of majestic powers. Displays of stateliness eventually came to be seen as mere "shows" or "trappings" of power, not as features intrinsic to the workings of power itself.<sup>111</sup> When Contarini concedes, for example, that the Doge of Venice is permitted to uphold the dignity of his office with a certain magnificence, he emphasizes that this is just a matter of appearances, and uses a phrase that Lewkenor translates by saying that the Doge is allowed a "royal appearing show."<sup>112</sup> Speaking with much greater hostility, Milton (1980: 426, 429) agrees that a monarch "sits only like a great cypher," with all his "vanity and ostentation" being completely inessential to the ordering force of public authority.

Finally, for the most self-conscious rejection of the older images of power, as well as the most unambiguous view of the state as a purely impersonal authority, we need to turn once more to Hobbes. Discussing these concepts in chapter 10 of *Leviathan*, Hobbes deploys the idea of an effective power to command in such a way as to absorb every other element traditionally associated with the notions of public honour and dignity. To hold dignities, he declares, is simply to hold "offices of command"; to be held honourable is nothing more than "an argument and sign of power" (Hobbes 1968: 152, 155). Here, as throughout, it is Hobbes who first speaks, systematically and unapologetically, in the abstract and unmodulated tones of the modern theorist of the state.

<sup>111</sup> On the distinctiveness of this conception of public power see Geertz (1980: 121-3).

<sup>112</sup> See Lewkenor (1969: 42), translating "specie regia" from Contarini (1626: 56). For invaluable help with earlier drafts I am greatly indebted to John Dunn and Susan James.

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