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Forms of Philosophical Engagement:
The Transformation of the Modern World through Engaged Philosophy

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Abstract

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This thesis provides an analysis of three chapters in the development of modern political thought in Europe. By focusing on individuals who fit Albert William Levi's definition of the "engaged" philosopher (one who takes an active role public service), I create a fuller understanding of philosophical theories by examining the philosophers' historical and social circumstances. Central to my thesis is the notion that through the exploration of context and immediate practical purposes, depth and interest are added to philosophical ideas. This is especially true for engaged political philosophies developed during times of conflict. I focus on three specific cases: Michel de Montaigne (1533-1592) in the Religious Wars of France; Hugo Grotius (1583-1645) and Petrus Cuneaus (1586-1638) in the Remonstrant Crisis of the Dutch Republic; and John Selden (1584-1654) and John Locke (1632-1794) in the Civil War and Whig movement in England. Each case redefines an aspect of political thought: for Montaigne, the private life; for Grotius and Cunaeus, the role of history; and for Selden and Locke, the foundation of natural laws and rights. While I discover that these theories were developed out of political necessity and specific social circumstances, I conclude that their application transformed politics and society in a way that had profound impact on the formation of the modern world.

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Introduction

The sequence of conceptions is at the same time a sequence of realizations.
G.W.F. Hegel, Philosophy of Right

Albert William Levi begins his discourse on *Humanism and Politics* with a discussion of two distinct approaches to the political life. The first approach, defined by Levi as political disengagement, is characterized by political innocence, detachment from a single national entity, and refusal to participate actively in political life. To expand on this model, Levi focuses on the life and example of Erasmus, a man whose theories were meant to be broad and universal and whose political detachment kept him from living in any place for longer than seven years. The second, contrasting possibility for the humanist is an engaged approach to politics. This entails a strong attachment to one's nation or city, active participation in political life, and a sense of civic responsibility. The best example of this, to Levi, is the French philosopher Montaigne, who was thrust into politics at a young age and, as a result of the timing of his political career, witnessed relentless controversy and strife.

Levi's examination is a result of his astute assertion that when examining a philosopher it is "always wise to note the practice as well as the theory" (Levi 56). Indeed, the intellectual and political conclusions of men can be further understood by close examination of their conduct of affairs as well as the political climate of their lifetimes. For example, Erasmus did not witness as much political strife in his early life as Montaigne, resulting in greater innocence and more removed ideological notions. Montaigne lived through a political crisis at a young age, and so has a more realistic and disillusioned approach to government. His lifetime of experience brought him to the

conclusion that the concept of an ideal government is “academic and ridiculous” (Levi 54).

In this paper, I will bring forth several examples of the “engaged” approach to philosophy defined by Levi. I will provide historical examples of men who were active in the politics of their age, and who turned their practical experience into philosophical ideals. I will begin with Levi’s example of Montaigne, the engaged philosopher of the early Reformation. Montaigne’s philosophy can be described as a personal history, as he uses his personal life as a model for redefining philosophical morality in the private sphere. Yet his reflections provide more than personal meditations, as much of his life was spent as an influential politician in France, his writing is imbued with underlying political ideas that are rational and based on experience.

The second chapter will focus on the Political Hebraism movement which took place in Holland in the beginning of the seventeenth century. Two examples, Hugo Grotius and Petrus Cunaeus, were prominent leaders and intellectuals who practiced engaged philosophy from an historical and sacred point of view. These men were part of the school of seventeenth century humanists, who believed that in order to form a strong government, one must emulate great examples from the past. Both men found the best historical example to be the ancient Hebrew Republic based on the rules of Scripture, and each sought to create a way in which the Dutch Republic could imitate that model.

Simultaneously, the most prominent English scholar of Hebraism embarked on a similar project: John Selden wrote his *De Iure Naturali* to delineate his theory of natural law based on the example set by Jewish tradition. Rather than the political example

examined by the Dutch men, Selden believed that the Jewish concept of having a code of natural laws separate from statute laws was worth imitating. His project outlined laws which are universal to all mankind, inspired by the Jewish Noachide laws. Selden laid the foundation for a parliamentary movement in England whose subsequent political leaders called upon John Locke to justify a revolution to replace absolute monarchy. Locke provided this justification in his *Two Treatises*, in which he used his experience in politics to devise theories of justice in political authority through natural law and human reason.

Thus, I will examine distinct approaches to engaged philosophy and the influence these men had on modern notions of the individual (Montaigne), political and national history (Cuneaus and Grotius), and natural law (Selden and Locke). All these men lived in times of great political strife, and their writings are unique examples of when the philosophical life and the common life intersect. This focus on events in their lives, as well as their levels of political engagement, will add depth to the meaning of their philosophical conclusions. None of these men developed his ideas in an ivory tower; each took part in the political turmoil of his age and society. Their philosophical ideas brought about an engaged transformation of the modern world and helped bring intellectualism and liberalism to its point today, which makes it possible for me, as a Jew and a woman, to take on such a project.

Chapter I

Montaigne's Philosophical Engagement:
Reformation of the Private Life

There came also the soul of Odysseus having yet to make a choice, and his lot happened to be the last of them all. Now the recollection of former toils had disenchanted him of ambition, and he went about for a considerable time in search of the life of a private man who had no cares; he had some difficulty in finding this, which was lying about and had been neglected by everybody else; and when he saw it, he said that he would have done so had his lot been first instead of last, and that he was delighted to have it.
Plato, Republic X

In his *Essays*, Michel de Montaigne presents a new perspective on the philosophical notion that the private life may remain rational and virtuous regardless of external forces. Through a detailed exposition of his restless thoughts, he establishes a system of self-generated morality, relying solely on his own judgment. This turn inward, with a complete focus on the private life, can be seen as a philosophical reaction to his society. Montaigne was an active politician in France during one of Europe's bloodiest civil disputes, and his philosophy often presents distrust in the goodness and motives of others. In addition to distrust in others, he tirelessly reveals his own imperfections, thus redefining the modern philosopher as one who embraces humans as they are, without lofty, unachievable standards. Understanding his engagement in politics and life experience reveals the reason for his creation of a private sphere which he could control autonomously. Ultimately, his disillusioned philosophical rejections of perfection provide us with a modern philosophy of rationality through turmoil. In reaction to a political crisis, the controlled private life creates a rational space; by revealing his private life, Montaigne creates this possibility.

Montaigne's effort to redefine the rational man is framed in a detailed self-portrait. Montaigne begins his work, "Thus, reader, I am myself the matter of my book" ("To The Reader" 2). He presents his personality in detail, explaining, "I want to be seen here in my simple, natural, ordinary fashion, without straining or artifice; for it is myself that I portray" ("To The Reader" 2). He desires to portray himself as ordinary and flawed, honest but imperfect, swayed by emotions but sound in judgment. Claiming that this lengthy project is entirely self-reflective can be seen as a rhetorical move, as he uses himself as an example to provide his perspective on many universal aspects of human life.

This opening note represents a later development in Montaigne's thought. Readers find many characters and phases in Montaigne, traditionally categorized as such: "stoical humanist" (1572-74), "skeptical crisis" (1576), and "epicurean" (1578-92) (Frame, Introduction xii). Indeed, while he explicitly states the purpose of pure self-reflection in his introduction, it is not until the second book, in the essay "Of Presumption" (II:17), that Montaigne acknowledges that "his subject is man, and a long self-portrait stressing the averageness that makes him a typical specimen to be studied" (Frame, Introduction xiii). One finds that the typical categorization applied to Montaigne is unsatisfactory; in order to fully appreciate Montaigne, his sequential views must be kept in mind as a natural progression of thought. As Frame puts it, "All these attitudes are Montaigne; none contains him" (Introduction vi). Montaigne's self-reflections develop along with a "sense of human unity" which allowed him to apply his conclusions to others (Frame, Introduction xiii).

Montaigne's complex and sinuous *Essays* often refer to the ways in which his ideas can be seen as a product of his life experience. Montaigne acknowledges that his writing came out of a particularly chaotic society, explaining, "Scribbling seems to be a sort of symptom of an unruly age. When did we write so much as since our dissensions began?" (III : 9, p. 721) Thus he concedes that his project is a result of the unruliness of his surroundings. Indeed, his writing indicates that even in leisure, Montaigne's mind remained restless, and he used writing as an outlet for expressing the monstrous deficiencies he saw in himself and society. Furthermore, he explains that his ideas are formed by his experience. "I, who cannot see beyond what I have learned from experience, without any system, present my ideas in a general way, and tentatively" (III: 13, p. 824). He chooses to reflect only on what he knows, and while he remains tentative, he can speak with certainty on what he has encountered.

Understanding the *Essays*' historical context gives the reader insight. In *Philosophy as Social Expression*, Albert William Levi argues that it is detrimental to the study of philosophy to view works outside of the context of history. He takes the Hegelian view of philosophy as the progressive realization of man's self-consciousness; this requires the reader to understand each philosopher temporally, the philosopher's work affected and influenced by the time and society from which it emerged. With this view in mind, Levi argues that "the social anchorage of philosophy in any epoch gives the clue to the intentions of its major practitioners" (Levi 27). Works of philosophy are tinted by their particular social circumstance, and understanding their context helps one discover their ultimate purpose.

Montaigne lived in a time of political and religious strife in France. At fourteen, he witnessed his city, Bordeaux, revolt against royal power; by the time he reached adulthood, religious troubles were rampant, with Duc de Guise and Henry III both assassinated by political extremists the same year (Levi, *Humanism and Politics* 43). The civil war continued throughout his life; when Montaigne died in 1592, it was reaching its conclusion. This set of circumstances explains his disillusionment with his society. “The present moral state of our country does not suit me,” he explains. Further, he states that because of his place in society, “Not only am I deprived of any great familiarity with people of different morals and opinions from mine. . . . But I am also not free from danger among people to whom everything is equally permissible” (III : 9, p. 737). By indicating his disapproval of social morality, Montaigne gives reason to his separation of personal from the public life.

While he disapproved of the moral condition of his country, Montaigne could not escape public obligation. As a result of his father’s political role, he was thrust into public service at the age of twenty-one. He served as councilor to the Perigueux for three years; then, in 1557, the council was incorporated into the Parliament of Bordeaux, where he served an additional thirteen years (Levi, *Humanism and Politics* 46). However, when Montaigne reflects on government and laws, he sees them as fundamentally flawed. “Consider the form of this justice that governs us: it is a true testimony of human imbecility,” he declares (III : 9, p. 729). Montaigne strives to show that everything human is imperfect, and legal systems are no exception.

Thus from a young age Montaigne was involved in civics and politics, and to avoid getting swept up in the chaos, had to create a way in which he could be engaged

on his own terms. In *Montaigne's Politics*, Biancamaria Fontana writes that due to the seemingly endless civil war in France, men of Montaigne's generation "tried to shape their lives both away from and around public events, alternating moments of intense participation with intervals of disaffection and despair" (5). Montaigne is a good example of this; however, rather than simply fluctuating between involvement and disaffection, Montaigne remained somewhat disaffected even when involved. His form of engagement was never full and complete, as he chose to place highest value on personal integrity and reason:

I do not know how to involve myself so deeply and entirely. When my will gives me over to one party, it is not with so violent an obligation that my understanding is infected by it. In the present broils of this state, my own interest has not made me blind to either the laudable qualities in our adversaries or those that are reproachable in the men I have followed. (III : 10, p. 774)

Montaigne's historical context provides insight on his unwillingness to get caught up in society. Unlike other men, he could not become so involved in the conflict and obligated to one side that he would have to sacrifice his own reasoning and judgment. With his unique approach, Montaigne redefines the imperturbable private life as a way of escaping this type of obligation.

This redefinition of the private life is focused on Montaigne himself, but his speculation often reflects on humanity in its entirety. Montaigne achieves this by describing himself as the "common man" and showing how he believes the best philosophy comes from so "humble" a place. "I set forth a humble and inglorious life; that does not matter. You can tie up all moral philosophy with a common and private life just as well as with a life of richer stuff. Each man bears the entire form of the Human Condition" (III : 2, p. 611). Each person, to Montaigne, is subject to accidents,

swayed by emotions, and a product of the Human Condition. Yet Montaigne fully embraces these human imperfections. By doing this, his philosophy replaces the ideal of goodness with what is common and human. As he states, “Of the opinions of philosophy I most gladly embrace those that are most solid, that is to say, most human and most our own; my opinions, in conformity with my conduct, are low and humble” (III : 13, p. 855). Throughout his life, Montaigne saw that men claiming “greatness” often justified evil acts by feigning good intentions. As a result, Montaigne holds the common life in higher regard indicating that he has more esteem for the “lower” classes of people. “Greatness of soul is not so much pressing upward and forward as knowing how to set oneself in order and circumscribe oneself” (III : 13, p. 852). One arrives at a system of morality through a private life that is imperfect and humble, but well-ordered and rational.

The Private Life: Neither Master nor Slave

Montaigne’s definition of the well-ordered private life comes through in his essay, “Of Vanity,” where he explores how the private man can find contentment and satisfaction. In this essay, he focuses on avoiding attachment, obligation, and any notion which would hinder or limit private judgment. He desires to embrace freely his private reasoning, and asks the reader, “Where do you think you can exist without constraint and without disturbance?” The answer to this question, for Montaigne, is only in the self; private life, in his view, can be controlled autonomously. He explains, “Reform yourself alone, for in that your power is complete” (III : 9, p. 755). He believes that a wise man is content with what is his alone and, given complete power

over his own will and judgment, will strive for control in this realm, not allowing others to sway him.

Montaigne's character presents several tactics for achieving control over the private life. First, the controlled private life requires thorough and unrelenting honesty. Montaigne demonstrates through his own project that speaking truthfully becomes a new important virtue. "Truth is the first and fundamental part of virtue. We must love it for itself" (II : 17, p. 491). A good man must be honest and reveal his true thoughts constantly; "We are men, and hold together only by our word" (I : 9, p. 23). The entirety of the *Essays*, the exposition of Montaigne's private life, can be seen as an example of this need for honesty. He presents himself truthfully and entirely, attempting to avoid artifice, demonstrating his redefinition of the truthful man. Furthermore, with truth as a virtue, lying becomes an "accursed vice" (I : 9, p. 23). In order to lie, Montaigne believes, one must be willing to enslave his conscience, as the liar must maintain allegiance to his contrivances rather than his true self. A truthful man develops his integrity by listening to himself and expressing his thoughts honestly.

Speaking truthfully provides additional benefit as it allows one to function freely and avoid insults. "Free and generous confession weakens reproach and disarms slander" (III : 9, p. 749). He believed that acknowledging one's own faults lessened the opportunity for others to do the same. "The most honorable mark of goodness. . . is to acknowledge freely our fault and that of others" (III : 9, p. 760). By acknowledging one's own faults, one is able to remain true to the self and live a private life, because he will not fear insult from others. By confessing the inner workings of his soul, Montaigne presents the reader with his deficiencies, thereby making it impossible for

others to achieve insult or injury which he did not freely acknowledge. Ultimately, Montaigne believed that if one is loyal to the truth, “everything is good, or at least everything is human” (II : 17, p. 491). Thus he maintains a realistic view of human nature, giving more importance to honesty than perfection.

A second way in which Montaigne controls the private life is through detachment. Wanting always to be free to exercise his judgment as he pleases, he strives to avoid external attachments. “I am only too much attached to the world and to this life by myself” (III : 9, p. 753). He writes this reflection toward the end of his life, acknowledging that it pleases him that his death will give “scarcely any pleasure or displeasure to anyone” (III : 9, p. 753). He is happy to have no family or friends who will sincerely mourn his death and that he has no sons to bear his name in the future. He strove to make all of his attachment to the world based on judgment rather than obligation.

Montaigne declares, “I avoid subjecting myself to any sort of obligation.” His distaste for obligation stems from the fact that with it, the decision to perform an action is made impersonal. He goes so far as to explain that he avoids sharing his plans with others, for by giving others this knowledge he imposes the action upon himself. The perfect private life would not give up this control over its choices; in fact, it is only happy when it is in complete control. Even in public service, Montaigne explained, “I serve my prince the more gaily because I do so by the free choice of my judgment and my reason, without personal obligation” (III : 9, p. 756). Without obligation, he is happy to fulfill all tasks that he chooses to do by his own free will.

Montaigne also believes that nationalism is a form of unnatural obligation; stating that he considers all men his compatriots. “Nature has put us into the world free and unfettered; we imprison ourselves in certain narrow districts” (III : 9, p. 743)—confining oneself to a nation is a form of imprisoning the self. Since the tie to a state does not come freely of the personal will, it is distasteful to the private nature of Montaigne. He provides the example that he would never be so attached to his country that he would, like Socrates, prefer death to exile. This would mean that his country would be more important to him than himself; and to Montaigne, nothing can be more important than the self.

Finally, the private man does not seek the approval of others. “It is a rare life that remains well ordered even in private,” he states, explaining that most people only seek approval of others. “We do not care so much what we are in ourselves and in reality as what we are in the public mind” (III : 9, p. 729). The private life does not need public approval; it is satisfied validating itself through itself. Furthermore, seeking public approval does not guarantee virtue, especially in a corrupt age. In a time when morals are compromised, man must turn inward and reflect, for “there is no one but yourself who knows whether you are cowardly or cruel, or loyal and devout” (III : 2, p. 613). Thus the character of Montaigne strives for an imperturbable, rational private life through honesty, avoiding attachment and obligation, and private evaluation of virtue.

The Private Man in Society

Montaigne’s desire to achieve perfection in private life did not entail a rejection of all social and public interactions. Levi, in *Humanism and Politics*, selects Montaigne

as the prime example of an engaged philosopher: one who did not write idealistically from an ivory tower, but formed pragmatic philosophical ideas through worldly experience. Levi reflects on this unique circumstance:

In Montaigne the sense of civic responsibility is strong, the consciousness of obligation to Bordeaux, to Guyenne, and to France is overwhelming, and the long years of public service which were its consequence moved the political center of gravity of humanism further away from the library and the study into the areas of parliamentary debate, civic administration, and court negotiation. (58)

Montaigne's understanding of the self is relevant to his conception of public service and helps the reader grasp how Montaigne's private character functioned in society.

Ultimately, one sees that Montaigne's private character is realistic in his appraisal of others and not easily swayed by external forces, thus particularly suited for mediation.

Montaigne freely accepted his own flaws and with this accepted the flaws of others. He wants to portray men as they are, not as they should be. "Others form man, I tell of him, and represent a particular one, very ill-formed" (III : 2, p. 610). He believes that lofty philosophy is useless, as it points men to rules that exceed natural ability. He consistently points to his own faults, such as his weak memory, and shows that it is a fundamental characteristic of human nature to be flawed. He considers himself common, "guilty of the commoner and humbler faults" (II : 17, p. 481). Thus, Montaigne shows that he wants to take men as they come, with all their particular forms.

As a result of this acceptance of human failings, when reflecting on philosophy's role in defining and guiding human nature Montaigne does not believe in Platonic philosophical ideals. "What is the use of these lofty points of philosophy on which no human being can settle, and these rules that exceed our use and our strength?"

(III : 9, p. 756). If philosophy constantly sets impossible goals, it has no use.

Montaigne finds common sense in the words of Cicero: ““We must so act as not to oppose the universal laws of nature; but, these being safeguarded, let us follow our own nature”” (qtd. in Montaigne III : 9, p. 756). Montaigne could not advocate a philosophical doctrine which suggested that men follow anything but their own nature; his private morality demanded that he freely accept men’s imperfections.

With the knowledge of personal flaws in himself and others, Montaigne believed that political society was an inevitably defective product of man’s cooperation. His disbelief in human perfection is mirrored in his political philosophy. He believed that all products of the human mind are inevitably flawed, as men can be formed only imperfectly. Laws, to Montaigne, were a prime example. While laws have a “mystic foundation of their authority,” they are always made by men, “vain and irresolute authors” (III : 13, p. 821). Thus, while laws are given authority by men, they are to Montaigne some of the most “grossly and widely and ordinarily faulty” matters of human society (III : 13, p. 821). According to this disillusioned view, Montaigne whole-heartedly rejects philosophical ideals in politics. He explains, “All those imaginary, artificial descriptions of government prove ridiculous and unfit to put into practice. . . . we take men already bound and formed by certain customs” (III : 9, p. 730). Montaigne did not believe that politics could be reformed to create an ideal society, as human imperfections would not allow perfect notions of government to actualize.

While these disenchanting philosophical notions indicate Montaigne’s place in a particularly debased time period, his essay “Of Cruelty” further indicates the impact the

civil war had on his conception of human vices. “Nature herself, I fear, attaches to man some instinct for inhumanity” (II : 11, p. 316). Montaigne makes this universal claim on cruelty in human nature, then gives evidence that he would not have believed the extent of men’s vices had he not been a member of his particular society:

I live in a time when we abound in incredible examples of this vice, through the license of our civil wars; and we see in the ancient histories nothing more extreme than what we experience of this every day. But that has not reconciled me to it at all. I could hardly be convinced, until I saw it, that there were souls so monstrous that they would commit murder for the mere pleasure of it. (II : 11, p. 316)

Had he not been exposed to such cruelty throughout his life, it would have been difficult to convince him of it. His experience firmly implanted in him a belief in human vices and imperfections. The bloodshed of the civil wars exposed Montaigne to harsh cruelties which were difficult to reconcile, yet inevitable. Due to these natural vices, Montaigne believes men’s efforts to change society are in vain. “The world is ill fitted to cure itself; it is so impatient” (III : 9, p. 731). This realistic yet cynical comprehension of men as vicious shows that Montaigne believed attempts to innovate and improve society are foolish.

Montaigne’s focus on the individual private life explains why in his conception of imperfect society, each individual is responsible. “The corruption of the age is produced by the individual contribution of each one of us; some contribute treachery, others injustice, irreligion, tyranny, avarice, cruelty, in accordance with their greater power; the weaker ones bring stupidity, vanity, idleness, and I am one of them” (III : 9, p. 722). No man is innocent; each contributes his personal vices to the corruption of

society. Montaigne saw the worst corruption coming from the most powerful people, explaining why he rejected “greatness” and chose to define himself as weak and common.

Furthermore, Montaigne saw that in a corrupt society powerful men often perform evil acts, while claiming the intent of the “common good.” Thus he thoroughly rejects the common good as an ethical guideline, believing rather that “The common interest must not require all things of all men against the private interest” (III : 1, p. 609). His philosophy gives paramount importance to the private life; the most grievous errors are those that compromise one’s individual will and personal judgment. Acting in accordance with the “common good,” to Montaigne, leads to a potential sacrifice of private interest, and Montaigne’s rejection of this comes from his desire to freely control his private life.

In the essay, “The Useful and the Honorable,” Montaigne discusses at length how in public affairs it is possible to remain true to oneself. Through this essay, one gains an understanding of how Montaigne’s values create a man particularly suited for mediation:

Nothing keeps us from getting along comfortably and in good faith between two hostile parties. Conduct yourself in this case with an affection, if not equal (for it may allow of different measures), at least temperate, and which will not engage you so much to either one that he can demand everything of you. (III : 1, p. 602)

The private man remains somewhat affected but never fully indebted to either side in a conflict. If he did fully commit to one side, that side would be able to “demand everything,” thus limiting private initiative.

Montaigne's honesty proves essential in accomplishing this neutral position. When mediating between two sides, Montaigne explains, "I say nothing to one that I cannot say to the other" (III : 1, p. 602). His steadfast commitment to honesty allowed all parties to trust him. Furthermore, he states, "I take as little to conceal as I can" (III : 1, p. 602). Keeping a lie is a form of dishonesty; thus he prefers not to be trusted with secret information. He explains that his approach has been successful, reflecting that each side "trust little to me, but boldly trust what I bring them" (III : 1, p. 602). Through his bold confession of honesty, Montaigne was able to gain the trust of multiple political parties at once.

This ability to maintain personal integrity was Montaigne's goal. He could not avoid public service, so he created an approach which allowed him to function under personal rules. "And so public occupations are by no means my quarry; what my profession requires, I perform in the most private manner that I can" (III : 1, p. 603). This dedication to privacy was essential, "For a slave I must be only to reason" (III : 1, p. 603). He understood obligation to any person or party outside of his reason as a type of servitude. Montaigne created his own rules in order to function rationally within society, for without his strong personal judgment he would have compromised his will for the will of others. Compromising his will was extremely distasteful to Montaigne, as he believed he "would rather fail in my mission than fail to be true to myself" (III : 1, p. 600). With honesty as his first priority, Montaigne created public relationships of trust while avoiding obligation.

Montaigne shows how he accomplished his goal of keeping private integrity in public affairs. "I do not want to be considered either so affectionate or so loyal a servant

as to be found fit to betray anyone” (III : 1, p. 603). With this unique approach, he was able to elicit an extraordinary measure of trust from each side, noting that “few men have passed between one party and another with less suspicion and more favor and privacy” (III : 1, p. 600). His personal limitations on public service allowed him to fulfill a useful role without getting caught up in the chaos of his surroundings. This helped Montaigne serve as a mediator in the French crisis; though he was Catholic, he was trusted by both the Catholic and Protestant leaders, negotiating between the two parties in 1572 and 1576 (Frame, *Montaigne: A Biography* 266).

Throughout the crisis, “Montaigne strove successfully to check trouble before it started, and meanwhile helped keep communications open between Protestant Navarre and Catholic France” (Frame, *Introduction* xi). Indeed, “his part as adviser to Navarre and negotiator between Navarre and Henry III was far greater than he ever hinted” (Frame, *Introduction* xi). His personal philosophy made him well suited to the role of negotiator, and its use was more than theoretical.

Conclusion

Through this discussion, I have examined Montaigne’s rational private life, in itself and as a part of society. In this analysis, I have found merit in keeping in mind Montaigne’s social circumstance. Levi asks the question: “Can general ideas avoid infection and colorization by historical particularity?” (*Philosophy as Social Expression* 10). In Montaigne’s case, the answer is no. For, as Fontana notes, “Far from being written in isolation and detachment from public life, the subsequent drafts of the *Essays* accompanied Montaigne through the instructive, if distressing, experience of the religious wars” (7). Thus, we can learn most by approaching his philosophy from a

“contextual position.” As Levi explains, “All three things exist: ideas, agents, and social contexts” (*Philosophy as Social Expression* 10). By carefully considering the interrelationships among these aspects, individuals become expressions of their specific cultures. Montaigne provides detailed evidence that his philosophical conclusions came out of a tumultuous society, and his thoughts can be linked to the events and social circumstances of his life.

By understanding the role of the civil wars in shaping his ideas, one gets a hint of Montaigne’s main intentions. He explains that with so much of his life out of his control, “Not being able to rule events, I rule myself, and adapt myself to them if they do not adapt themselves to me” (III : 17, p. 488). He wants to create the possibility that by focusing on the individual life, one can avoid getting caught up in the chaos of the civil wars. Montaigne’s private character finds contentment through itself, in its reasoning, order, and judgment. “The only ability I have needed is the ability to content myself with my lot, which, however, if you take it rightly, requires a well-ordered state of mind, equally difficult in every kind of fortune” (II : 17, p. 488). His well-ordered mind provides him a space for private reason, with complete control over his personal ease.

Montaigne was aware that the functions of his mind were rare and unique. “Minds regulated and strong in themselves, [are] so rare that for this reason it has neither name nor rank among us; it is time half wasted to aspire and strive to please this group” (II : 17, p. 498). He shows here that his character is unknown in society, having “neither name nor rank,” thus he is creating something new. Fontana explains, “He did not write in order to reach an audience as much as to create one, in the same way in

which he had fashioned himself through his book” (25). Creating an audience, for Montaigne, meant presenting a new possibility for social interaction through his unique approach to life. With his *Essays*, he adds his personal character into the framework of society, redefining what it means to be a rational man.

The value of Montaigne’s private approach to life comes through understanding how his particularity created a universally applicable system of philosophy. By focusing on himself, Montaigne creates rhetorically a system for re-ordering many classic philosophical ideas in a modern light. Stefan Zweig explains that Montaigne helps us answer the question: “How to preserve our inborn clear-mindedness in front of all the threats and dangers of fanaticism, how to preserve the humanity of our hearts among the upsurge of bestiality?” (qtd. in *Stanford Encyclopedia*). During times of great strife, the need to preserve one’s integrity becomes vital; thus Montaigne’s philosophical response to contentious civil wars was an escape to the private life. His redirection of philosophy through experience creates an idea of the world and the human condition that is steadfastly realistic. Thus while his disillusionment and inward turn was brought about by his particular social circumstance, he strove through his philosophical conclusions for timelessness.

Chapter II

History as Political Guide: The Role of Political Hebraism in the Crisis of the Dutch Republic

Whoever wishes to foresee the future must consult the past; for human events ever resemble those of preceding times. This arises from the fact that they are produced by men who ever have been, and ever shall be, animated by the same passions, and thus they necessarily have the same results.

Niccolo Machiavelli, The Discourses

To continue my exploration of engaged philosophers, I will shift my focus from Montaigne's reformation of the private life to incidences in which scholars attempted to examine and reform public society through politics. In seventeenth-century Europe, humanist philosophy was developing the notion that patterns in human nature allow for deep historical parallels. As scholars looked to the past for ideal political models, the Bible was read for the first time as a historical text with political messages which could be emulated. From this grew the movement recently labeled Political Hebraism; its leaders applied historical and philological evidence to find political guidance from the Republic of the Ancient Hebrews. Thanks to recent translations and exploration of this school of thought, I will be able to expand upon the ways in which Hebraism aided the engaged transformation of modern politics.

Two forerunners of this movement, Hugo Grotius and Petrus Cunaeus, applied the authority of the history of the Hebrew Republic in an attempt to remedy problems of the Dutch Republic. Because of this, the Dutch contribution to Political Hebraism was "far from being a mere academic exercise"; rather, it was "prompted by urgent social debate" (Eyffinger, "How Wondrously" 1). As both scholars were engaged in public life and lived during a time of political unrest, their intentions were pragmatic. They

looked to the Bible for historical evidence of practical political guidelines, giving their scholarship authority both human and divine.

In this chapter, I will explore these men's greatest contributions to Hebraism, Grotius's *De Republica Emendanda* (1599) and Cunaeus's *The Hebrew Republic* (1617). Each of these works provides an extensive comparison of the Dutch Republic to the Ancient Hebrew Republic. In order to understand their differences, I will define the social context in which each was written, as the political climate at the time of authorship is apparent in the content of the work. Grotius wrote the first at the beginning of his political career, well before the crux of the Remonstrant Crisis (described below). In contrast, Cunaeus wrote his at the peak of his academic career and the political turmoil of the Crisis, making his work more clearly focused and explicit in its purpose, message, and intended audience. Grotius's style is more philosophical, giving greater authority to ideas; Cunaeus, as a philologist, places greater authority in history.

By examining each man's social and political involvement, one sees that although these authors were writing theoretical social parallels to an ancient and bygone society, they were doing so out of heightened social engagement. Written at a time when the Dutch government was susceptible to collapse, these works were addressed to the leaders of Holland, seeking reforms which Grotius and Cunaeus understood as necessary. Living through the tumult of early seventeenth-century Dutch society, these authors approached the fundamental issues of government with serious academic consideration, hoping to bring about change through intellectual influence.

History of the Dutch Republic through the 1618 Crisis

Examining these works requires an understanding of the historical circumstance of Dutch Society. From the years 1400 to 1550, the Dutch capital was moved from its historical home in The Hague to Madrid, as part of King Phillip's empire. In 1570 seventeen Dutch provinces revolted, and the desperate fighting ended in the loss of the Southern Provinces to Spain. Thus in 1600 the revolt was confined to the seven Northern Provinces which, during a military stalemate, reestablished their capital at The Hague.

The seven provinces remaining in the revolt made up the Dutch Republic. The agreement known as the Union of Utrecht provided a framework for governing the seven provinces. Problems arose from a lack of commonality to hold the Confederacy together. The union was based on military necessity; religious toleration was put in place as a "pragmatic policy" to prevent civil war (Eyffinger, Introduction to *The Hebrew Republic* xii). Local and Provincial councils faced a power-struggle, often finding it difficult to reconcile regional and national issues (Hooker 88). Grotius saw this as problematic early on, and in 1599 he wrote *De Republica Emendanda* to advocate a stronger union.

Tensions in Dutch society accumulated over the following decades. The policy of religious toleration was contested by the Calvinist orthodoxy. As a debate emerged over the understanding of church and state, the conflict quickly became political. One party, the Remonstrants, made up of the moderate aristocracy and commercial class, was led by Johan van Oldenbarnevelt. This party wanted "political sovereignty and liberty of conscience" (Eyffinger, Introduction to *The Hebrew Republic* xii), as well as a

definitive end to the war with Spain. The other party, made up of working class Calvinists, was led by Prince Maurice of Orange. Their belief was in rigorous Protestantism and continuing the war with Catholic Spain.

The crisis escalated in September 1618 when Maurice of Orange initiated a series of political trials. Oldenbarnevelt was accused of conspiracy against the state and put to death. Grotius, his chief advisor, was sentenced to life in prison. The Dutch Republic came under the strict rule of Maurice of Orange, bringing an end to the Remonstrant party and the society which Grotius and Cunaeus advocated. It was on the brink of this turning point, in 1617, that Cunaeus published *The Hebrew Republic*. Years of observation of this political turmoil served as Cunaeus's catalyst in writing this project, and it was intended to forestall, or prevent, the Crisis.

The Dutch Affinity with the Ancient Hebrews

To understand the context of Grotius's and Cunaeus's works, one must note the connection between Dutch history and the Hebrew Bible. From the outset of the uprising against Spain, the Dutch sought to define their roots by comparing their national rebirth with the Jews' redemption from slavery. In fact, the Old Testament was "a powerful instrument in shaping Dutch collective consciousness" (Bodian 2). Political and religious leaders used the rhetoric of the Hebrew Bible in attempts to unify Dutch divisions. Early modern Europe had seen an increased interest in studying Hebrew, resulting in new approaches to the Old Testament (Neuman 60). Hebraic scholars such as Cunaeus and Grotius were able to read the Hebrew Bible in its original

form, and their scholarly and political inclinations led them to take it seriously as a historical model.

While the Dutch believed they shared certain historical ties with the Hebrews, this interest in Hebrew and the Old Testament took place in many other European countries. The influence of this school of thought on the modernization of Europe has been widely overlooked for over two hundred years. Fania Oz-Salzberger notes that John Stuart Mill in *On Liberty* (1859) “declared the age of Christian morality to be over,” thus sounding “a solemn death knell for three centuries of political Hebraism” (1). Since that time, scholars have disregarded the influence of Biblical sources on early modern politics. However, over the past decade, this area has been reopened for examination. The resulting discoveries have been thought-provoking, as Jewish and Biblical influences have been found in numerous places in early modern political thought.

Grotius’s Life and *De Republica Emendanda*

Hugo Grotius (Hugo de Groot) lived from 1583-1645 and was “renowned for his pioneering role in the domain of international law” (Eyffinger, “How Wondrously” 76). During his life, he had a steering and mediating role in many political crises leading up to the Remonstrant troubles of 1618. Beginning in his teens, he worked to serve the public interest and was recruited to Leiden University. He left the university in 1600 to work for The Hague, continually attempting to solve his country’s political problems.

Grotius wrote *De Republica Emendanda* (On the Emendation of the Republic) around 1599. The exact dates of the tract are unknown, and the work was never

published. After extensive research and thorough comparisons to other works of Grotius, scholars have concluded that this treatise was written early in his political career. It is believed that *De Republica Emendanda* was Grotius' first attempt to "tackle the intrinsic shortcomings of the Dutch Republic" (Eyffinger, "How Wondrously" 77). Eyffinger believes Grotius's early ideas are immature "intellectually and stylistically" when compared to the "majestic works written at a more advanced age" ("How Wondrously" 77). His later works reflect a more refined understanding of politics; however, Eyffinger notes interestingly that his later views "coincide with the apprehensions first expressed in *De Republica Emendanda*" ("How Wondrously" 84). Thus, while the work was immature, it outlined astutely the problems of Dutch policies and predicted future strife.

Grotius's young political mind was classically humanist and Hebraic. *De Republica Emendanda* begins with the statement, "Men who wisely consider creating a work of art as a rule take their example from a highly esteemed master so as to carry out their work after this man's designs" (Grotius 1). He believes this "sensible idea" to be applicable in many realms of human life. So, he proposes, this theory applies to the creation of a republic. While there are many ways in which one may arrive at a convincing proposal of the best form of government, the wise politician will consider historical examples and base his ideas on previous success.

Eyffinger notes the humanist character of this approach; it was common for the present government to be "evaluated against historical models" (Introduction to *Grotiana* 16). Many contemporary Dutch humanist scholars had an attraction to social parallels. Prominent among these were comparisons to the Venetian constitution; its

use in historical comparisons became known as the “Venetian Myth” (Eyffinger, “How Wondrously” 85). Furthermore, Grotius and contemporary humanists were steeped in the study of ancient Rome; indeed, the influence of Roman studies is evident in Grotius’s Hebraic work. Yet, living in the religious environment of the Dutch Republic, the Hebrew Republic was given unique authority, as Grotius was able to point to God as the chief founder and legislator of the society.

Through analysis of his use of God as an authority, one sees that this tactic allowed Grotius to achieve justification for his ideas beyond human rational ability. He states that common sense and practice inevitably demonstrate that projects of man are doomed to failure, because “it was never given to men either to foresee all future calamities or to find effective remedies for them if they did” (Grotius 67). However, if there exists a republic with God as its founder, “then this must clearly be the one that all other ones should set themselves to imitate and seek to resemble as closely as they can” (Grotius 67). Grotius shows his fundamental belief that human rationality is intrinsically inferior to divine revelation, and provides a religious argument for his high regard of the Hebrew Republic.

To explain further his reasoning behind embracing this project, as well as to appeal to his audience, Grotius compares the Hebrew and Dutch states. The Dutch religious and political leaders widely accepted the “wondrous resemblance of the vicissitudes of the tribes of Israel and the Dutch republic” (Eyffinger, “How Wondrously” 86). Grotius builds upon this belief, stating that there are so many similarities that one may hope to adapt the remaining differences. This analogy is written with the practical intention that the Dutch people can learn from the Hebrew

example that government must be based on a strong union, not merely an alliance for war.

Grotius expresses his purpose in Chapter IV: “The moment has now come to seriously consider how to firmly establish our republic” (Grotius 107). He believes his retrospect on Hebrew society will “lighten” this hefty project (Grotius 107). Grotius outlines the specific parallels found between the Dutch and Hebrew Republics. First, each society prefers an aristocratic form of government. The second similarity is in social structure. According to Grotius, both societies consist of three bodies: *civitas*, *tribus*, and *communitas*. *Civitas*, in both the Hebrew and Dutch model, is the “town.” *Tribus* to the Hebrews is the “tribe,” and Grotius parallels this with the “province” of the Dutch. Finally the *communitas* is the “nation” for the Hebrews or “confederacy” for the Dutch.

With these structural similarities in mind, Grotius notes that the confederacy of the United Provinces, the highest level of its society, is not truly unified. Rather, “the only reason why they stick together at all is their fear of the enemy” (Grotius 115). Looking back to the Hebrew model, Grotius notes that when the Hebrew nation dissolved into this sort of artificial, temporary unity, the Hebrews were led to the “greatest of all evils: civil war” (115). He concludes that it is “imperative that [the United Provinces] are mutually united by a very close and permanent bond” (115). Thus he shows, through his historical example, why the lack of authority of a central government will lead inevitably to strife. Through this discussion, he predicts ominously that an artificial union will bring about discord and civil war.

With this comparison, Grotius makes a call for unity in the confederate government of the Northern Provinces. As Eyffinger notes in his introduction to Grotius's work, the tone remains "tentative and cautious"; a sign of Grotius's inexperience and lack of authority at the time. Eyffinger also notes that the young Grotius completely overlooked "the major, overwhelming obstacle to the unification of the Northern provinces, their innate particularism" (Introduction to *Grotiana* 40). Looking beyond the tentative tone and problematic omission of details, it is remarkable that Grotius foresaw the pitfalls of the Dutch government years before the crisis.

Next, Grotius manages to lay a foundation for his belief in a moderate aristocratic (i.e., classical republican) form of government. He proves through examples that moderate aristocracy is the best form of government devised by mankind as well as the form preferred by God. Furthermore, he outlines specific directives for the republic to employ, focusing on the need for government to serve the public interest and to keep royal power in check.

In considering types of government, Grotius notes that monarchy and democracy lie on opposite ends of the spectrum. The first insists on the rule of a single man, while the latter maintains the rule of all. Neither of these is pleasing; Grotius considers his philosophical leaning toward the truth "inherent in human destiny that the best way always turns out to lie in the middle" (81). He concludes that the best approach to be the mean, and a republic should operate in between the extremes of democracy and monarchy.

Having shown that human wisdom reaches this conclusion, Grotius gives scriptural examples that God also disapproves of democracy and monarchy. Grotius

shows divine disapproval of democracy when God says to Moses, “Do not act in the way we act as this moment, that is, each one according to his own ideas” (Deuteronomy 12:8, qtd. in Grotius 83). At the same time, God did not appoint a king over the people of Israel, showing divine disapproval of monarchy. Therefore, both human and divine wisdom lead Grotius to the conclusion that the most perfect state would “insist on a certain combination of these [democracy and monarchy], in the sense that a single state embraces the majesty of a prince, the authority of a senate, and the freedom of a people” (81). The resulting model would be aristocratic, with political responsibility entrusted to a group of the most equipped, knowledgeable, virtuous, and wise men.

Then, Grotius further examines the possibility of creating a just monarchy. Questions arise in Grotius’s understanding of the political history of the Hebrews, because while God “did not approve of the supreme and uncontrolled power of a king,” Grotius notes that this is contradicted when God outlines the Laws for a king when the Israelites desired one (87). He understands from this example that a monarch inspired by the rule of the divine would be subject to certain laws. He notes that the Hebrew king, by the decree of God, was subject to the judgment of the council of priests and judges. Furthermore, the king was forbidden from acquiring too many horses and too much wealth, resulting in the common people being “brothers to the king” (87). He notes that under the proper authority of a king, the people were continually consulted, through assemblies, on important matters. Under a lawful monarch, the voices of the assemblies were taken into consideration and thereby “represent the freedom of the people” (95). The contrasting possibility, which Grotius shows through the example of

Abimelech, is a king who takes no consideration of the law, and enslaves the people.

The best government would not grant supreme authority to the king, but to the law.

In its entirety, *De Republica Emendanda* was a practical project intended to give direction to the Dutch Republic. Grotius not only calls for increased unity, but also gives clear instruction for the expansion of the central government's power. He would like to see provincial power shifted to the confederacy. Along with this, he hopes for fewer differences between the provinces, calling for a single treasury, military, and council. He uses the Hebrew Bible as a source for modern notions of liberty, as Oz-Salzberger puts it, "the idea that a sense of social responsibility and a natural desire for peace connect the members of every civil society, and bring polities and their neighbors into peaceful cohabitation" (12). This notion of a healthy society was passed from Grotius to later philosophers, and as Dutch disagreements and strife continued. Almost twenty years later, another scholar embarked on a similar project employing many of the same themes.

Evidence of Grotius's Influence on Cunaeus

Grotius and Cunaeus were contemporaries; their paths crossed as both worked at Leiden University and The Hague. As a result of their connection and proximity, they admired each other as scholars and developed a friendship of mutual respect. Records of correspondence give evidence of Grotius's works as a major inspiration for Cunaeus. In a letter dated 29 May 1614, Cunaeus expresses his deep respect for Grotius and shares that the world of letters suffered severely from losing Grotius to politics (Eyffinger, Introduction to *The Hebrew Republic* xxxiii). However, he reasons that had

it been otherwise, the Republic would have been lost. He thanks Grotius sincerely for his “extreme kindness” and promises, one day, to repay him. In this letter, Cunaeus explains the project he is working on: “Some time ago I put together a few notes on the Republic of the Jews, which I will now carefully go over once more and perhaps publish, if this may seem opportune” (Eyffinger, Introduction to *The Hebrew Republic* xxxiv). From this note we learn that Cunaeus began working on this project before 1614, and that he shared his ideas with Grotius.

A later note further indicates Cunaeus’s respect for Grotius. On 25 August 1615, Cunaeus wrote to Grotius that while the Roman and Greek churches were easy to understand, the Hebrew nation increasingly confused him as his knowledge of it grew. He concludes, “You, divine Grotius, are one of the very few whom nature and reason have endowed better insight” (Eyffinger, Introduction to *The Hebrew Republic* xxxv). From this we learn that trying to reach a true and meaningful understanding of the Hebrew Republic’s history, Cunaeus turned to Grotius for his perspicacity.

Cunaeus’s Life and *The Hebrew Republic*

Petrus Cunaeus (Piet van der Cuhn) was an astute scholar, whose work set the standards for academic activity at Leiden at the beginning of the seventeenth century. In 1608, at the age of 22, he was enrolled at Leiden; by 1614 he was chair of politics. In 1615 he spent a year at The Hague, returning to Leiden just before the University began purging non-Calvinist academics in 1617. It was this year, on the brink of the Remonstrant Crisis, that he wrote his popular work, *The Hebrew Republic*. Using rhetorical strategies and humanist appeals to history, he presents a controversial

argument against the orthodox Calvinist clergy by drawing a parallel to the ancient society of the Hebrews. Like Grotius, Cunaeus believed that this society was unmatched and that timeless political lessons could be taken from its strengths and shortfalls.

Cunaeus's *The Hebrew Republic* is framed with a direct appeal to the Members of State, the local leaders who formed the weak confederate government of the Dutch Republic. He was witnessing the same trouble that Grotius outlined: the lack of true unity in the confederate government was causing internal strife by dividing the provinces. By addressing the Members of State, he hopes to reduce the contentious divisions in Dutch society. He begins his treatise with a clear and direct statement of his purpose:

For your inspection, most illustrious Members of States, I offer a republic—the holiest ever to have existed in the world, and the richest in example for us to emulate. It is entirely in your interest to study closely this republic's origins and growth, because its creator and founder was not some man sprung from mortal matter, but the immortal God Himself.
(3)

Cunaeus, trying to win the approval of his audience, appeals to the Members of State, saying they “are so learned they would be able to judge for certain whether anything I have written here might shed some light on antiquity” (3). By complimenting their leadership and authority, he hopes to show them the advice that he has gleaned from history. Eyffinger describes the Hebrew comparison as a “mirror” which Cunaeus urgently presents before the leaders of Holland, hoping that with reflection would come evaluation and change.

Several important political themes run throughout Cunaeus's treatise, the first being the proper use of political authority. To exemplify his understanding of power,

Cunaeus uses the example of the greatest and most righteous leader in history, Moses. Moses did not want complete power, and he established laws of authority which provided limitations on future leaders. He accomplished this by setting up the Sanhedrin, a collection of seventy senators who made up the highest court and judged all matters. While there were other, smaller courts for dealing with lesser cases, the judges of the Sanhedrin circuted the nation, making important judicial decisions. When the Hebrews decided to establish a monarchy, the Sanhedrin chose the king. When dealing with matters of great importance, the judges called assemblies of the people. Thus, the leadership of the Hebrews, in Cunaeus's exposition, had checks on authority.

This notion of authority leads into Cunaeus's discussion of sovereign power. Cunaeus uses the Bible verse, "The scepter shall not depart from Judah, nor a ruler from his loins, until Shiloh has come," (Genesis 49:10, qtd. in Cunaeus 35) to examine the divine power given to the Hebrew people. To Cunaeus the "scepter" is a symbol for the Jewish Republic as a whole: a kingdom undivided from its rites, laws, and practices. While the land and the laws remained the same, the people changed and evolved from the Hebrews to the Jews; thus, Cunaeus concludes, the scepter must represent "sovereign power" as the republic itself (39). While leadership changed, "supreme power" sometimes was in the hands of aristocrats and priests, sometimes in kings and princes, but the true "sovereign power" remained with the people (41).

As Cunaeus notes, all societies eventually fall; so this Republic, too, came to an end. For Grotius, Abimelech portrayed the tyrant, in the case of *The Hebrew Republic*, the leader Jeroboam plays this role. The difference here is historically significant. The

example of Abimelech represents an outsider taking authority by force; it is possible Grotius uses this example to show that if the union of the Provinces is weak, external powers may be able to win control over them (for example, Spain). Cunaeus's example, Jeroboam, was an insider who did not need force to claim his power; rather, he ruined the Hebrew Republic by putting his authority to improper use, dividing the North from the South and ending the union. From this, we learn that Cunaeus's fear was that under corrupt leadership, internal divisions would grow, and insistence on strict Calvinism would divide Dutch society to the point of collapse. If this is, indeed, a reference to Maurice of Orange as the "Dutch Jeroboam," then this is the most incendiary statement that Cunaeus makes; providing reason for the criticism he received upon publication and explaining further why this metaphor is concealed.

Cunaeus explains Jeroboam's corruption as follows: when the holy people split after Solomon's death, peace could have been restored, but Jeroboam, "a man who was thoroughly versed in the shameful crimes men use to dominate each other," made sure they would never reconcile by corrupting the true religion. Under Jeroboam, "the unity of the Hebrew nation and the fabric of its magnificent state were torn in half" (61). The end of unity brought the end of the Hebrew Republic. Jeroboam divided the Twelve Tribes by "corrupting true religion and replacing it with empty superstition. What had been a battle about freedom and power came to be one about sacred rituals and places of worship" (Eyffinger, Introduction to the *Hebrew Republic* xxxviii). With this, Cunaeus hopes to imply that corruption in religious leaders arises through contentions based on obscure religious practices. Understanding that Cunaeus wrote this treatise when even

expressing unorthodox views could result in execution, criticizing religious leaders was a dangerous move.

Further expanding the historical parallel, Cunaeus explains that these dangerous divisions arise from the lust for power. In the Hebrew Republic, these power-hungry men are the Levites. Cunaeus states that when the Levites took over as Hasmonean Kings, circumstances in the Hebrew Republic changed. Suddenly, the leaders “violated the distinction between sacred and profane by competing for power, honor, and glory” (64). The Levites claimed special privilege and placed themselves above the state, showing the hazards of arrogance and the pride of monarchic rule. Previously, the Levites had served successfully and harmoniously as priests; by using this example, Cunaeus argues that priests should remain uninvolved in politics. Further, Cunaeus shows that without checks on the power of monarchs, ambition and lust for power will be detrimental to society.

Another theme central to Cunaeus’s argument is the importance of law. Cunaeus considers lawfulness a fundamental part of what it is to be human. Lawlessness is less than human, as the worst kind of savagery is armed with reason and judgment. “The arms, moreover, with which nature has provided man—reason and judgment—make him admirably suited to wreaking havoc, once you take law out of the equation” (12). Moses’s laws are unique, as he was the “first to write and publish laws so that the people might learn what was right and what was wrong” (12). These laws are divine, and therefore “The laws observed by the Jews are the ordinances of the eternal God, and they are not diminished by the passage of time or rewritten” (13). This reasoning is central to his proof that the Hebrew Republic is worthy of emulation.

The laws of Moses were worthy of honor, to Cunaeus, because of the moral system that they introduced to the world. In Book III of *The Hebrew Republic*, Cunaeus explores the moral guidelines one may glean from the authority of Moses. The laws of Moses “made it very clear to their citizens that they were to act with virtue and courage” (155). With an all-knowing God, “none of our actions, whether good or bad, should be considered unimportant” (156). Under this morality, individuals are their own worst accusers. Threat of laws and fear of prophecies kept the people in check. Moving to his contemporary period, Cunaeus explains that since prophecies no longer take place, modern man has to rely on reason. Logical inquiry should take the place of religious enthusiasm; with this, Cunaeus advocates a rational approach to religion.

An additional important theme appears in Cunaeus’s detailed description of the Jubilee year. These laws, to Cunaeus, were worthy of emulating because they safeguard the distribution of wealth, as well as providing many benefits to society. Richard Tuck, in *Philosophy and Government*, explains that Cunaeus wanted to introduce Hebrew Agrarian Law, focusing on it in such a way that shows a “polemic against wealth and commercial activity detached from land” (Tuck 167). Through agrarian law, “the wealth of a few men would never crush everyone else, and . . . the citizens would not change their occupations or turn from innocent labor to new and foreign trades” (Cunaeus 15). Thus Cunaeus presents a picture of “the virtuous republic of egalitarian land owners” which “fascinated” seventeenth-century writers (Tuck 169). The benefits of this type of society would be twofold. First, Cunaeus understood urban life as lazy and believed that too much leisure brings corruption. Additionally, the Hebrew Republic’s wealth in its farms meant it was not only uncorrupted but also self-

sustaining; if farmers did well they prospered, if not, they went hungry. Cunaeus saw merit in this way of life, thus went into great detail explaining the agrarian laws of the Hebrews.

With this understanding of the Hebrew Republic in mind—a healthy theocracy with checks on executive power and moderating laws over ownership of land—Cunaeus focuses on the importance of unity in the Hebrew Republic. This is the most urgent message he hopes to impart to the Members of State, as he explains in the preface, “It was rock solid and undisturbed because it trusted in its unity and was supported by its own strength” (3). To emphasize this point, he states, “They were able to cooperate with one another,” and, “They met as a group to plan for the welfare of all.” Furthermore, in making decisions, “They defended with great passion the people’s liberty” (3). In addition to appealing to unity for its own sake, Cunaeus argues that a divided society is vulnerable to external assault. The Hebrew Republic lasted until the death of Solomon; then “there was no longer one republic but two.” When the Republic divided, it was no longer the same. Cunaeus concludes, “It is civil conflict, illustrious Members of States, which presents our enemies with their greatest opportunity” (4). He hopes to convince the Members of this premise, and this message was Cunaeus’s main intent. His engagement with society, coupled with astute political awareness, led him to understand the nature of turmoil in his society and prepared him to provide a way to remedy the problems.

Cunaeus’s work was met with controversy. At a time of political trials, this work was a “courageous attempt by a professor of political science to carry what he saw as his personal responsibility to the public domain” (Eyffinger, Introduction to *The*

Hebrew Republic xxiii). In 1619, Leiden clergy called upon Cunaeus to “clarify” his views (Eyffinger, Introduction to *The Hebrew Republic* xxiii). By political maneuvering he defended his position, but Daniel Heinsius, a scholarly opponent of Cunaeus, demanded public recantation and an expression of regret. In order to mitigate the accusations against him, Cunaeus promised to do this; yet, he never fulfilled this promise. He managed to get away without punishment because university authorities realized “with quite a few Remonstrant dons purged already, they could hardly do without Cunaeus’ genius” (Eyffinger, Introduction to *the Hebrew Republic* xxiv). Thus, Cunaeus was fortunate and managed to escape punishment.

The Hebrew Republic delivers a strong and direct message to government leaders; Eyffinger describes Cunaeus’s tone as “positively imploring” (Introduction to *The Hebrew Republic* xxxix). He hopes to convey what he sees so clearly in history, that concord is necessary to provide nations with strength. Tuck describes Cunaeus’s work as “the most powerful public statement of republican theory in the early years of the Dutch republic” (169). Cunaeus’s ideas came about through political urgency and the necessity of his particular circumstance; as a result of these circumstances, he developed strong republican theories.

Conclusion

Viewed from the perspective of the authors’ social circumstance, these projects served a pragmatic purpose. The Dutch political structure was tenuous; astute intellectuals such as Grotius and Cunaeus saw a desperate need for reform. They were able to use the humanist affinity with historical parallels to make concrete appeals for

reform in government. This controversial move was dangerous, as anti-Calvinists were being purged from academia and positions of power. Grotius was brought to a political trial and sentenced to prison for treason; Cunaeus was asked to defend his views, and was fortunate to escape punishment. Aware of the risks, these men considered it necessary to learn from the mistakes of history, and they used their intellectual authority to share their recommendations with those in power.

Yet through inspection of these works, one sees more than a practical project with temporal specifications. Rather, both works examine the question of philosophy and history. They seek to answer the question: What role does history play in governance? For Grotius and Cunaeus, history has a fundamental role in disclosing the nature of human society. By using the past as a model for the future, one can identify what stays the same and what changes. Both men note that every nation will eventually fall; yet they believe that by examining the rise and fall of previous empires, modern governments can exceed their predecessors in strength. While the organization of power-centers shifts, the fundamental nature of what makes a government strong and stable stays the same. They found historical justifications for the need for unity, just laws, and rightful authority, and advocated that by looking to the past, one may learn the nature of these components. In this way, memory and history serves as a guide and aid for contemporary action.

Grotius and Cunaeus also examined the nature of politics, questioning its function and source for authority. They found in politics an image of practices that are divinely instituted and rational. The Hebrew Republic, claiming both divine origin and the ultimate authority of law, was embodiment of these ideals. It provided these

scholars the unique ability to call upon the authority of God and human reason simultaneously.

Finally, Grotius and Cunaeus sought to examine politics for the sake of civil society. Ultimately, they were seeking to find a way to moderate fanaticism and alleviate strife. They learned from history that divided, weak governments are susceptible to civil war and external attack. While written to remedy a particularly troubled circumstance, these political theories provide the modern reader with a philosophy of political stability through unity, coexistence, and liberty. Grotius and Cunaeus, uniquely focused on justice under laws, freedom of the people, and unity in society, contributed to the spirit of toleration in the intellectual history of the Dutch republic. The influence of this philosophy in the development of subsequent political theory gains importance, as throughout the rest of the seventeenth century, Holland became a safe haven for influential scholars with controversial views. One such example, John Locke, would have been persecuted in England for his politics, but escaped to Holland and wrote there his *Letter Concerning Toleration* (1689). Locke's legacy will be examined in the following chapter.

Chapter III

Seventeenth Century England and the Emergence of Natural Rights: An Examination of the Work of John Selden and John Locke

Every political theory which sets out to justify or advocate a particular system of government, or a limited or unlimited degree of obligation of the citizen to the state, must rest on an explicit or implicit theory of human nature.
C.B. Macpherson, Introduction to Locke's Second Treatise

The seventeenth century was a particularly tumultuous time in English history, beginning with civil war and ending with a revolution that brought about the constitutional monarchical system that remains today. The numerous controversies, plots, and scandals throughout the century centered on issues of sovereignty and religion. As Kings attempted to expand their control through religious oppression and the attenuation of Parliamentary power, a movement formed to counteract monarchic power and save England from the threat of absolutism. This movement, which worked to increase the power of parliament and religious toleration, was brought to fruition with the help of several brilliant scholars. In this chapter, I will analyze the cases of John Selden and John Locke, whose participation in this movement laid the philosophical foundations not only for the revolution in England, but also for modern liberal government and the concept of natural rights.

The philosophical developments of Selden and Locke came about through particular political circumstances that necessitated their intellectual contributions. With the rise of absolutism joined to Catholicism, both men sought to legitimize parliamentary control over the sovereign. Though each achieved this with disparate means, they both ultimately faced the question: What provides the right to rule? In

order to answer this question, Selden turned to the authority of history and Locke to human reason.

Through finding the origins of political power, Selden and Locke developed modern notions of Natural Rights and Natural Law. Monarchical absolutists called upon God as a source for their authority; Locke and Selden had to counteract this claim by producing powerful counterarguments. Thus, seeking the origin of power in different ways was the philosophical move that both men chose to employ.

Richard Ashcraft argues, “One reason the natural law argument supporting the radical Whig position was so powerful was that it could never be wholeheartedly rejected” (210). In order to overturn the power of a monarch, Selden and Locke sought to find laws so basic they were considered “natural” and therefore irrefutable. Through this process, they were able to justify a revolution while simultaneously providing the notion that each man, in his very nature, should possess a certain amount of control over his own life. So, in the midst of their participation in a violent dispute over power, Selden and Locke generated modern philosophical conceptions of Natural Rights.

John Selden: 1584-1654

John Selden played an early but pivotal role in the British parliamentary and social revolution. One of his first publications, the *History of Tithes* (1617), received overwhelming and unexpected attention. As Sir Eric Fletcher, President of the Selden Society, noted in a 1969 speech, “At most points in history, apart from its learning, it would have attracted no particular attention” (5). Yet, developing circumstances caused the book to “fall like a spark on tinder” (Fletcher 5), for England was just beginning a

critical debate over divine rights of Kings. Selden argued against *jus divinum*, infuriating the King. Selden was persecuted and called to the Court of High Commission. Eventually he consented to apologizing for his book.

This event set the stage for Selden's political career, stirring and strengthening a passion to resist absolutism in government. His goal as a scholar was set: limit royal power and strengthen parliament. He remained involved in politics throughout his life, serving in the parliament for almost twenty years. During this time, with his intimate knowledge of British common law he helped establish the field of legal history and became one of England's most respected legal historians.

Selden's encounter with Hugo Grotius marked another turning point in his career. Grotius and Selden were contemporaries, born a year apart. In 1618, Selden was called upon to defend England's claim to maritime sovereignty in response to Grotius's *Mare Liberum*, which argued for freedom of the seas. In Selden's response, *Mare Clausum*, he argued "that by the law of nature or nations the sea is not common to all men, but is as much as the land susceptible of private dominion and property" (Fletcher 10). While Selden and Grotius took opposite sides in this debate, they respected each other as scholars. Grotius once named Selden "the glory of the English nation" (Fletcher 15), and Selden studied Grotius's *De Iure Belli* deeply in preparing *Mare Clausum* (Toomer 490).

This interaction of ideas inspired Selden to continue Grotius's Hebraic project. As a historian, Selden respected Jewish tradition and took the Bible seriously as a historical document. He believed that "it is all the more important to examine Jewish law, which is the sole surviving, and the best, part of that great treasure, oriental

philosophy” (Toomer 491). Though Selden may have never encountered a Jew, he became an expert on Jewish law and Talmud. Selden used this expertise to produce his most philosophical work, *De Iure Naturali & Gentium, Iuxta Disciplinam Ebraeorum* (One Natural Law and [the Law of] Nations, according to the Teaching of the Jews).

De Iure Naturali

Toomer notes the Grotian basis of *De Iure Naturali*: “The work as a whole develops something only hinted at by Grotius, that the Jews too had a concept of natural law” (Toomer 491). While the Dutch Hebraists revered the Hebrews for the divine origin of their state, Selden respected the Hebrews as the only ancient nation with a separate codification of Natural Law. While most laws in the Old Testament were given to the Jewish people alone, the seven Noachide Precepts were given to all of humanity. These precepts concern: (1) idolatry, (2) blasphemy, (3) murder, (4) illicit sexual relations, (5) theft, (6) eating part of a living animal, and (7) courts of justice (Toomer 492). Selden argues that these Noachide laws apply to all of humanity and coincide with Christian morality.

Consistently placing paramount importance on history, Selden believed that more significant than laws themselves are their origins. To discover the origin of natural law, Selden goes through what he considers to be all of the possible sources. The first is to look for the customs of animals. He refutes the possibility that animal traits could determine human laws by arguing that only humans have legal systems; no animal can be punished for doing something “wrong.” The second possibility is to look for natural law in the customs shared by all races. He argues that since it is impossible

to count the opinions of all the people in the world, and since human opinions change, human customs cannot be the basis for natural law.

The next possibility that Selden explores is the philosophical notion that natural laws are found in “the use of right reason.” To disprove this, he must identify the origin of man’s power. He is the first modern thinker to begin a natural law theory with the notion that the original state of human nature was absolute freedom (Tuck 90). “Liberty can be thought of equally well among both animals and men, if there is no relevant law which in any way restrains either a man’s will or an animal’s appetite” (Selden, qtd. in Tuck 90). Without laws in place, humans are absolutely unrestricted in their liberty. In this state everything is allowed “as long as it is not prevented by force” (Selden, qtd. in Tuck 91). By implicit contrast, laws come about through the introduction of force and authority. The development of society and civilization is the gradual accumulation of restrictions and laws.

Then, Selden encounters the question: In the state of nature, how does one man have power over another to enact laws? With every man in a state of complete and equal freedom, each would have been also an equal in terms of authority. “For pure, unaided reason merely persuades or demonstrates; it does not order, nor bind anyone to their duty, unless it is accompanied by the authority of someone who is superior to the man in question. . . . And where is such a disparity necessary for obligation to be found when everyone, as we have said, has the same rights as everyone else, and there was no civil society?” (Selden, qtd. in Tuck 93-94). The generation of law requires the existence of authority. Natural Law, he concludes, must come from a power greater than man.

With this reasoning, Selden argues that Natural Law had to be given to man by God. He seeks out the point in history at which this event could occur, and finds it in the Jewish tradition. He portrays the Noachide laws as the historical moment when mankind made a promise to God to live according to the dispositions of society.

Selden's placement of the primacy of contracts as a fundamental value of society furthered his appreciation for the Noachide laws as the proper origin of natural law. After the flood of Noah, man made a contract with God and took the obligation upon himself to follow Natural Law, and "it was the historical continuity of human societies that kept it alive" (Tuck 97). Through this example, Selden gives an historical account of Natural Law, casting it into the category of legal contracts.

Selden's Legacy

Book I of *De Iure Naturali* is described by Toomer as "the most philosophical" of any of Selden's works (493). Through his rejection of human reason as a foundation for any universal principle, Selden's approach goes against traditional philosophical notions. He believed that "the laws of nature" had to come from a divine, external force, for human reason was not strong enough to provide them. Yet, while Selden deviates from traditional views of philosophy, his humanist stance set him apart from the legal scholars of his time. "Most other lawyers may have picked up bits and pieces from humanist sources, but seldom did this have such a deep influence on their view of things as it had on Selden" (Burgess 53). The humanist approach influenced subsequent philosophers and legal theorists.

Selden is remembered as a great advocate for the Parliament of England and the common law. “Selden was second only to Coke in the historic contest by which Parliament asserted its authority over the King” (Fletcher 9). He supplied a scholarly, historical justification for limitations to be kept in place on royal power; the later success of the Parliamentary cause owes a great deal to his work. Through this project, Selden had to combat the precedent of royal prerogative in England; in doing so, he founded the study of Legal History. Looking to the past, he found a “structure of fundamental law inherent in the customs of the island. The past seemed almost to provide a written constitution” (Fletcher 8). This is Selden’s most lasting legacy; inventing the notion of the history of law spread his influence well beyond Great Britain.

Selden’s political ideas can be seen as a starting point in the English Revolution, paving the way for later political philosophers. His strategy of finding the origin of power by starting with men in a state of complete freedom was later employed by many philosophers, including Thomas Hobbes and John Locke. Selden’s doctrines “allowed the next generation, that of John Locke, to apply a new doctrine of rights within the newly created expanse of the modern state” (Oz-Salsberger 9). Selden had to create the notion of a Natural Law independent from the King’s authority in order for later scholars to introduce persuasive notions of Natural Rights.

As a final note on Selden’s character, one must appreciate the circumstances which brought his retirement from politics. When the debate between Parliamentarians and Royalists heated to the point of Civil War, Selden decided to end his engagement with public affairs. “As the Civil War became more acute Selden finally withdrew from

public affairs. He expressed no opinion on the trial and execution of Charles I” (Fletcher 14). To explain his decision, Selden stated, “Wise men say nothing in dangerous times” (Fletcher 14). Selden believed it wise to end his involvement in the seemingly intractable conflict. His lasting contributions helped set the stage for later Parliamentarians to expand upon his political position, ultimately winning the battle over royal prerogative.

John Locke (1632-1704)

In *Revolutionary Politics and Locke’s Two Treatises of Government*, Richard Ashcraft makes an argument for the importance of understanding Locke’s political engagement. “In my view, a political theory is a set of structured meanings that are understandable only in reference to a specified context” (5). Moreover social and political circumstances “take on an increased practical importance during periods of intense social conflict” (Ashcraft 6). Locke lived during a time of protracted conflict, and throughout his life he was deeply involved in the revolutionary movement that became the Whig party.

The dispute over monarchical and religious absolutism which took place during Selden’s life continued. Locke and his contemporaries saw “a pattern or tendency that propelled England along the course toward absolutism and arbitrary rule, thus threatening the continued existence of constitutional government” (Ashcraft 38). King Charles II was seen as overstepping his power; this coupled with his secretive meetings and close ties with France brought about public fear and fervor. In this climate Locke was called upon to form a theoretical argument to justify a revolt against the King.

Locke's introduction to politics began with his relationship with Anthony Ashley Cooper, the first Earl of Shaftesbury. Locke was a physician, and while providing care for Shaftesbury, he became one of the latter's closest confidants. Shaftesbury's influence on Locke is well known, as Locke "began reading and making notes on political authority and the origin of political power as soon as he came under Shaftesbury's influence" (Laslett 30). It was through this companionship that Locke learned the inner workings of government.

Shaftesbury was a controversial figure, a prominent leader of the opposition to the King. Although this was a dangerous position to hold, Shaftesbury's authority was established fully during the Exclusion Crisis. He and several Parliamentarians wanted to exclude Charles II's brother, James, from the throne. James was Catholic, and the public fear was that with Catholicism came absolutism in government. Shaftesbury was preparing to fight this battle under arms when he was caught and imprisoned.

During this time, Locke was deeply involved in the revolutionary stirrings. In 1678, fifteen Catholics were executed after being falsely accused of attempting to assassinate the King in what became known as the "Popish Plot." Shaftesbury and the Whigs tried to use this national scare to their advantage (Laslett 31). During this time, "It is certain that Locke knew all about what was going on, and that he took no opportunity to disapprove of the forced confessions, the judicial murders, mob oratory and agitation" (Laslett 31). Locke remained loyal to Shaftesbury and continued to participate in Whig movement throughout his life.

Through understanding his involvement in this controversy, Ashcraft concludes:

Locke's writings did not emerge from the environment of the detached philosopher, and certainly not from the sterile atmosphere of academic

life at Oxford. Rather, what we have come to recognize as the impressive intellectual contribution made by Locke to our cultural heritage arose out of the political turmoil that surrounded him as the trusted adviser to the most important opposition politician in Restoration England. (Ashcraft 79)

Locke's reflections on the origins of power and natural rights came about through necessity. The Whigs had a pragmatic leader in Shaftesbury, one willing to execute actions against the sovereign. In Locke he found a close confidant and a brilliant mind, precisely what he needed to provide the philosophical justification for his movement. He called upon Locke to conduct research to find specific legal and parliamentary precedents for his policies (Ashcraft 85). Under Shaftesbury's guidance, "Locke's intellectual talents were brought into play to provide theoretical justification for resistance to the sovereign" (Macpherson ix). Understanding this context brings a more complete appreciation of the *Two Treatises*.

Some of Locke's life was spent in public office: from 1696 to 1700 he served as a commissioner on the Board of Trade, advising England's economic policy (Macpherson ix). But most of his life entailed "years of living in political opposition to the existing government, of secret meetings, of false names and identities, of hiding, exile, conspiracy, and revolution" (Ashcraft 79). The dangerous events of the time help explain why Locke had to obscure his intentions and identity. In 1683, he admitted to participating in the Rye House Plot, a Whig attempt to assassinate King Charles II. From 1683 until after the Glorious Revolution, Locke fled to Holland to preserve his safety. In 1688, a union of English Parliamentarians and the Dutch army overthrew King James III. William and Mary took the throne and moved towards greater parliamentary government, making it safe for Locke to return. Yet, even after the

revolution, when he first published the *Two Treatises* in 1689, he did so anonymously; when he died in 1704, he still had not claimed the work.

Due to the dangers of expressing opposition to royal power, Locke obscured the intentions of the *Two Treatises*. Only later were scholars able to uncover the truth about their origin. In the Preface, Locke states explicitly that the treatises were written to justify the Glorious Revolution: “to establish the throne of our great restorer, our present King William; to make good his title, in the consent of the people . . . and to justify to the world the people of England, whose love of their just and natural rights, with their resolution to preserve them, saved the nation when it was on the very brink of slavery and ruin” (5). Originally, scholars read Locke literally, and took this to mean that the book was written and compiled after the revolution, to justify its occurrence.

In 1960 Peter Laslett’s research revealed ample evidence that, though Locke claims this purpose, it could not be the case. Laslett argues, “It cannot be maintained that the original conception of the book was the justification of a revolution which had been consummated. . . . *Two Treatises* in fact turns out to be a demand for a revolution to be brought about, not the rationalization of a revolution in need of defence” (47). In light of this research, Laslett reads the *Two Treatises* as revolutionary documents written well before the Glorious Revolution, in order to justify a revolt against the King.

In this historical context, the *Two Treatises* present more than a philosophical discussion of government. “The *Two Treatises of Government* was, in effect the political manifesto of this [Whig] movement” (Ashcraft 9). Understanding this notion, it becomes evident that Locke’s views buttress those of the Whig party. To justify their revolution, they had to answer fundamental questions of government: What were the

origins of political power? What are its limitations? Locke provided the answers to these questions and, ultimately, a philosophical justification for revolution.

The Content of the *Second Treatise*

Locke's *Two Treatises* accomplish several goals. In the *First Treatise*, Locke refutes the arguments of Robert Filmer, whose academic defense of Royalism held a "prominent place in the political debate of the 1680s" (Ashcraft 187). Filmer and the Royalist's main approach to justify absolute monarchic power was the divine right of Kings. In the *First Treatise*, Locke challenges *jus divinum*; in the *Second Treatise* he establishes his theory of civil society. In order to accomplish this, Locke had to find a non-divine origin of a government. In doing so, he creates a system which justifies and promotes man's equality and natural rights.

The main rights that Locke delineates are those he considers "natural" and thereby fundamental to society. In nature all men have an equal right to self-preservation, and therefore the preservation of all mankind; additionally, men have the right to freedom and property. Using these rights as a foundation for society, Locke produces an argument against what he calls "absolute and arbitrary" power in government. In doing so, he also provides a theoretical justification for overthrowing a government which has overstepped its rights. While the justification of revolution may be the ultimate purpose of the treatise, Locke's argument to this purpose creates a system of government based on the natural rights of man.

Like Selden, Locke begins his exploration of civil society with men in a state of complete natural freedom. All men are born with complete power and liberty to

exercise their will. The one restriction on this freedom is what Locke considers the first law of nature: that man must preserve himself. Even in a condition of ultimate liberty, man “has not liberty to destroy himself” (Locke 9). Derivative from this first natural law is Locke’s first defined natural right: the right to self-preservation. In the state of nature, man may punish anyone who impedes on this natural right.

Locke must face the question: How did this law of nature come about? In contrast to Selden, who believed that Natural Laws had to come from a superior being, Locke believes that the origin of law is human reason. “Reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life” (Locke 9). God created man with reason in order to realize and protect this fundamental law of nature, giving each man an obligation to follow it and a right to preserve it.

With each man obligated to protect the law of nature, Locke extends the original right of self-preservation. He develops that notion that individuals possess the right to preserve all of mankind; each overstep of the law of nature is dangerous to all men, not just the injured party. Locke notes that the law of nature “would, as all other laws that concern men in this world, be in vain, if there were no body that in the state of nature had a power to execute that law” (9). In the state of nature, everyone has the right to protect the law, but Locke believes men are biased and unfair judges of their own cases. Therefore, civil society is created in order to develop a just and equal system to preserve the law of nature.

Men are born free and thus have a right to freedom; upon entering civil society they do not lose this right. Locke’s notion of consent in government is key; the

government takes a temporary loan of power from the people. This power can only come from the free will of the people and can be taken away if it is put to unjust use. Locke believes that the government, as a representation of the people, must act solely to preserve the common good. Furthermore, the end of law is to preserve and enlarge freedom, to allow each man “not to be subject to the arbitrary will of another, but freely follow his own” (Locke 32). This notion of the arbitrary use of power leads to Locke’s argument against absolute monarchy.

Locke believed any form of government is capable of corruption. The purpose of government is to preserve the common good, and any government that acts against this is considered unjust. As he explains, “supreme power in any person, or assembly, [is] only temporary . . . by the miscarriages of those in authority, it is forfeited” (124). While any government can be rendered illegitimate through arbitrary use of power, Locke makes a powerful argument against the authority of monarchs, as he believes granting one man unlimited authority leads easily to injustice. With the historical context of the treatise in mind, these anti-monarchical statements can be understood as deeply controversial. First, Locke states that men originally turned to monarchy because it is a form of government which is “obvious and simple” (Locke 57). Problems arise when it is forgotten that “absolute monarchs are but men” (Locke 12) and they are allowed to execute laws as they please; exacerbating the fundamental problem, these men are not subject to their own laws.

Through this argument, Locke concludes that absolute monarchies are consistently corrupt: “Absolute monarchy is indeed inconsistent with civil society” (Locke 48). He believes it to be superior to live in the state of nature, since under an

unjust monarch, men are bound to “submit to the unjust will of another” (Locke 13). Living under an absolute power means that one’s natural right to freedom has been taken away. When a man in power steals an individual’s liberty, “it is lawful for me to treat him as one who has put himself into a state of war with me, i.e., kill him if I can” (Locke 15). Understanding the dangerous nature of these statements, Locke theoretically justifies declaring war against anyone (even a King) who is exercising absolute, arbitrary power.

Locke must justify resisting a government, and argues that it is possible for an “inferior” man to punish a “superior.” Here, he returns to the notion that force can only be exercised with a right; a man who uses force “without law, puts himself in a state of war with those against whom he so uses it” (Locke 117). The unjust use of force creates a state of war which “levels the parties,” and such an act “cancels all former relation of reverence, respect and superiority” (Locke 119). In reaction to a government using arbitrary force and not following laws, all men have equal right to defend themselves.

As further justification for revolution, specifically against a monarch, Locke uses a quote from William Barclay (a “champion of absolute monarchy”) to prove that in certain cases a king can, in fact, “un-king himself” (Locke 119). When a king, through his actions, ceases to be a king, his authority may be resisted. This can happen in two ways. First, in the words of Barclay, “if he have a purpose and design to ruin the kingdom and commonwealth” (qtd. in Locke 121). Second, “when a king makes himself the dependent of another” (qtd. in Locke 121). Here Locke provides specific reasons to revoke a King’s power, justifying the Whig revolutionary movement.

Ultimately, Locke believes that the power inherent in human nature always remains in the people. While it is given temporarily through consent to the political power, the purpose of this power is always to protect the natural rights and freedom of each individual. Therefore, if the government no longer protects these rights, the power can be taken away. It is then the responsibility of the society to create a new, just system. Locke's treatise provides strong theoretical justification for the Whig revolution, explaining why the *Two Treatises* have been understood as party documents. Yet its far-reaching applications can be, and have been, extended to provide a philosophical foundation for other revolutions and the creation of modern liberal societies.

Locke's Legacy

With Selden's work representing the beginning of the battle between absolute monarchy and parliamentarianism in England, Locke provides the conclusion. Since the Glorious Revolution, England has operated under a parliamentary system. While maintaining a constitutional monarchy, there has been no threat of absolute power. Additionally, the year of Locke's publication (1689) coincided with the passing of the English Bill of Rights, which includes the right to free speech and to elect representatives to Parliament.

Locke's participation in this revolutionary movement fundamentally changed modern notions of liberal government. "Most 18th century liberal doctrines can be traced to Locke and his concept that community power resides in the majority" (Salvemini 105). While he wrote to justify a specific political party in a specific set of

circumstances, his establishment of natural rights and freedom of the people could applied extensively to other instances when government overstepped its bounds.

Locke's influence is best reflected in the American Revolution. "Locke can be regarded as the advance ideologist of the American Revolution. He developed a set of political ideas which has very largely served as the basis for American political values and for the institutional structure which American and British government has since assumed" (Doernberg 57). Much of the content of the Two Treatises is repeated and summarized in the United States' Declaration of Independence. Not only did the authors embrace and restate Locke's theories of Natural Rights, but they also used his notion of instances in which a King may be resisted in order to justify their use of force.

Conclusion

The works of John Selden and John Locke emerged during a period of contention over the fundamental nature of human power and government. During their lives, neither Selden nor Locke shied away from the political scene; both became deeply involved with the debate over parliamentary power and used their intellectual abilities to defend its importance. Selden laid the philological foundation for the Whig party by finding natural law in history, and Locke expanded upon this idea to produce a rational basis of man's natural rights. Their projects were fundamentally rebellious: they intended to prove that the King could not justly hold complete power and live free from the lawful constraint. In order to do this, Selden and Locke's theories on Natural Rights and Natural Law redefined the concept of authority from resting in one man to being distributed amongst all men.

While attempting to disperse authority and power among all men, rather than the King alone, Selden and Locke employed many tactics which also undermined the authority of the Catholic Church. The fear in England, based upon the examples of Spain and France, was that a Catholic King would bring absolutism in government. By finding authority for their work in independent readings of scripture, a theme especially prominent in Selden but also evident in Locke, they exercised an anti-Catholic stance.

Beginning their arguments with a return to human origins before the invention of civil society, Selden and Locke generated the idea that each man is responsible to protect natural law. While Selden saw this as a contractual agreement between man and God, Locke developed the notion that these natural laws create in each man natural rights as well. Both men saw something fundamentally wrong with the absolute monarchy developing in England, and thus argued that this form of government went against human nature and civil society. The importance of these developments cannot be underestimated, as evidence of their definitions of modern liberal society is still in effect today.

Conclusion

Throughout my analysis of modern political thought, I have explored and continued Albert William Levi's notion of the engaged philosopher. Focusing on men who fit Levi's definition, I found it necessary to recognize the immediate practical purposes of their work and thus approach the development of their thought historically. It is imperative to note the historical and social context of philosophy in the case of political theories, and this becomes ever more important for those written during times of strife and revolution. In these instances, understanding the author's practice and involvement in politics helps define the author's purpose as well as his intended audience.

I was guided by Levi's understanding of philosophy as a form of social expression. The crux of my project was an analysis of philosophy and social circumstances working together, hoping to produce what Levi describes as "full comprehension" rather than "mere understanding" (*Philosophy as Social Expression* 16). I found resonance in his notion that philosophy may be understood as a creation of ideas "in response to the challenge of their time" (*Philosophy as Social Expression* 14). My project is inherently interdisciplinary, as I look for evidence of historical, political, and philosophical areas of importance in order to strive for the type of "full comprehension" in philosophical scholarship that Levi hoped to revive.

Levi suggests tackling the following questions in order to reach full comprehension:

What sort of society was the author writing for and trying to persuade? What were the conventions of communication and the literary forms of discourse at the current time? What was the author's class affiliation, his place in the social hierarchy of his age? And perhaps above all: What

were his moral commitments, the structure of his ideas? (*Philosophy as Social Expression* 16)

These questions have been guiding factors in my research. While looking into Montaigne, Selden, and Locke, I was able to rely on previous scholars whose extensive research in these areas provided the necessary answers. However, in the cases of Grotius and Cunaeus regarding Political Hebraism, serious scholarship concerning the movement's influence has only recently begun. I believe there is ample room for inquiry into the relevance of this school of thought.

As I focused on one major aspect of each author's writing (for Montaigne, the private life; Grotius and Cunaeus, the authority of history; Selden and Locke, the origin of natural law), there were limits to my research. I concentrated on evidence most important and necessary to these particular elements in each author's writing, and the social circumstances that influenced their conclusions on these notions. All of these authors produced numerous influential works and contributed greatly to areas of thought not included in the scope of my thesis. While I did not cover all the material and historical evidence necessary to reach the ambitious goal of full comprehension, I have found great merit in Levi's combined approach to history and philosophy and achieved greater comprehension than one would by examining these works with a purely analytical method.

My research as a whole can be understood as an outline of three distinct approaches to solving political problems. Montaigne resolved to control the private life when public life becomes chaotic. Grotius and Cunaeus believed firmly that the historical example of the Hebrew Republic, with its divine origin and human application, could be employed to remedy contemporary problems. Selden and Locke

argued against the divine right of Kings; in this process, Selden established that the laws of nature apply to all men, and Locke developed a notion of natural rights. For all of these men, conceptual ideas stemmed from concrete experiences and had practical purposes. The study of history, politics, and philosophy together helps to understand the influence these intellectuals had in the foundations of modern thought, for only with this complete view can one appreciate their importance.

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