

## Index

---

- absolute sovereignty, 8–9, 23  
 absolutism, parliamentary, 171  
 abuse of powers, 180  
 accountability  
   in Athenian democracy, 24–5, 43–5, 46,  
   47, 51  
   in Italian city-states, 112–13  
   and sovereignty, 20–3, 49, 226–7  
 Acropolis, Dēmos stele at, 32–4  
 Adair, James, 216  
 Adams, John, 189, 200, 208–10  
 Adams, Zabdiel, 204  
*aequabilitas* (fairness), 77–8  
 Aeschylus, 36–7  
 Africa, anti-colonialism in, 301–3  
*Agreement of the People*, 181–3  
*Allgemeines Staatsrecht* (Bluntschli), 279–80  
 America *see* United States  
 Ankersmit, Frank, 355  
*Answer To The Nineteen Propositions*, 166–7  
 Anthony, Charles, 270  
 anti-colonialism, 299–300  
   in Africa, 301–3  
   in India, 301, 303–18  
   nation-state as end product of, 297–8,  
   300–1, 310  
   and popular sovereignty, 12–13, 318–19  
   *see also* decolonisation  
*anupeuthunos/aneuthunos* (unaccountable),  
   16–17, 19, 22  
   of sovereignty, 21, 226–7  
*Appeale, An* (Overton), 180–1  
 arbitrary powers, of Parliament, 171–2  
*archontes* (office-holders), 54, 56–7, 58  
 control by *dēmos* of, 59–62, 63–4, 71–2  
 eligibility, 57–8, 62, 63  
 selection/election, 58–9, 61, 226  
 Arena, Valentina, 6–7  
 Arendt, Hannah, 258  
 aristocracy  
   Cicero on, 78, 84, 94  
   Roederer on, 253  
 aristocratic liberalism, 260–1, 262–3  
 Aristophanes, 3, 35, 37–44  
 Aristotle  
   on constitution, 7, 63–4, 65–6  
   on democracy, 5–6, 43, 46, 49–51, 58,  
   66–7, 230–1  
   and popular control of office-holders,  
   59–62, 63–5, 71–2  
   on government/jurisdiction, Parker's  
   rejection of, 160  
 influence of  
   on Burke, 217–18, 230–1  
   on Grotius, 128  
   on monarchy, 48  
   on oligarchy, 66  
   on psychology of action, 55  
   on sovereignty, 2, 46  
   Bodin's criticism of, 4–5, 68–9,  
   118–20  
   popular sovereignty, 52, 53, 67–8, 71  
   on tyranny, 20, 48–9, 226  
*Arrow Against All Tyrants, An* (Overton),  
   178, 179  
 Athenagoras, 58  
 Athens  
   democracy in, 16, 19–20, 45–7, 53–5,  
   57–9  
   and accountability, 24–5, 43–5, 46,  
   47, 51  
   and elites, 41  
   Rousseau on, 134  
   Socrates on, 56  
   as tyranny, 17–18, 27–30, 37–44  
 Augustus (Roman emperor), 124  
 Austin, John, 270  
 authorisation  
   of sovereignty by people, 185–6,  
   198–200, 204–8  
   theories of, 147  
 authority  
   charismatic, 333  
   of kings, entrusted by people, 168

- Balot, Ryan, 16  
 Bancroft, Edward, 201  
 Barbeyrac, Jean, 133–4  
 Barrow, Isaac, 22  
 Bayly, Christopher, 304  
 Beetham, David, 323  
*Birds* (Aristophanes), 40  
 Bismarck, Otto von, 327–8  
 Bluntschli, Johann, 273, 277–83, 284–7, 289–95  
 Bodin, Jean, 1, 2–5, 7, 20–1, 53  
   Aristotle criticised by, 4–5, 68–9, 118–20  
   Greek influences on, 21  
   Grotius's criticism of, 127–8  
   on monarchy, time-limited, 122–3, 124–7  
   on office-holders/magistrates, 69–70  
   on popular sovereignty, 70, 71  
   on sovereignty and government, 7–8, 118–27  
 Boniface VIII (Pope), 104–5  
 Boswell, James, 135  
 Bourke, Richard, 10–11  
 Bowles, Edward, 174  
 Bressot, Jacques-Pierre, 140  
 Britain *see* England/Britain  
 Brown, John L., 120  
 Bull, Hedley, 298  
 Burke, Edmund, 10–11  
   on British monarchy, 217–18  
   on demagogic rule, 217–18  
   on popular/parliamentary sovereignty, 214–15, 224–6  
   and American Revolution, 223–4, 227–8  
   and British imperial rule, 215, 217, 218–20, 222, 227  
   and French Revolution, 214–15, 229–32, 234–5  
   on right to rebellion, 228  
   on rights of man, 220–1, 231–2  
 Burroughs, Jeremiah, 175  
 Caesarism, 289  
*Capitalism, Socialism and Democracy* (Schumpeter), 350–2  
 Carré de Malberg, Raymond, 271–2  
 Carrington, Dorothy, 135  
 Carter, David, 36  
 censors/censorship (Roman Empire), 85, 86–8, 91–3  
 charismatic leadership, 333  
 Charles I (king of Great Britain and Ireland), 152–3, 154, 155  
 Chatham, William Pitt (Pitt the Elder), 216, 221  
 Chatterjee, Partha, 299–300  
 choruses (Greek tragedies), 36  
 Cicero, Marcus Tullius, 1  
   on aristocracy, 78, 84, 94  
   on censors, 87–8, 91–3  
   on oligarchy, 94  
   on people's liberty, 75–7, 84, 90–1, 94  
   voting rights, 77–8, 89–90  
 political thought of, 6–7, 73–4, 85  
   Plato's influence on, 79–84  
   on popular sovereignty, 73, 75, 94–5  
   and elites' role, 78, 82  
   on Roman constitution, 75, 77, 78–9  
   on senate, 82–4, 93–4  
   tribunate of plebs, 88–9  
 Cino da Pistoia, 100–1, 111  
 citizenship, imperial, 307–8  
 city-states, Italian  
   government of, 5–6, 7, 99–100  
   accountability of princes, 112–13  
   transfer of powers to princes, 102, 110, 112  
   political thought in, 7  
   *signorie*, 107–10  
 civil self-regulation, in America, 264–9  
 civil society, 240–1, 267  
   in United States, 265–6  
 Clarke, Baron, 151  
 Cleon, 27–30  
 Clodius, 86–8  
 Coke, Edward, 150–1, 152, 161  
 Cola di Rienzo, 102–5  
 Collingwood, R. G., 355–6  
 comedies, ancient Greek, on tyranny, 37–44  
 common good, pursuit of, 154–5, 159–60, 163, 254  
 commonwealth, 74–7, 78–9  
 communities, 255  
   political, 98  
   revival of, in Indian village democracy, 312–13, 316  
 Connor, Robert, 27–8  
*Considerations* (Wilson), 205–7  
*Considerations on the Government of Poland* (Rousseau), 116–17, 135–6  
 Constant, Benjamin, 236–7, 252–8, 259, 261–2, 267  
 constitution  
   ancient Greek thought on  
     Aristotle, 7, 63–4, 65–6  
     Plato, 81–2  
   of Corsica, 135

## 400 Index

- constitution (*cont.*)  
 of England, 166–7, 173  
 of France, 138–40, 247  
 of Germany  
   Reich (1871), 345  
   Weimar Republic, 325, 332–3, 341  
 of India, and princely states, 313–16  
 Roman, 75, 77, 82–4  
   and democracy, 123–4, 127–8  
 of United States, 10–11, 210  
   state level, 136–8  
*Constitution of the Athenians*, 58, 62–3  
   influence of, 63–4  
*Constitution of Freedom, The* (Schmitt), 348  
 constitutional government, 7, 166–7, 173  
 constitutional monarchy, 291–2  
 constitutional plebiscites  
   in France, 138–40  
   Rousseau on, 134–6  
   in United States, 136–8  
*consuetudo* (custom), and law, 110–12  
*The Contra-Replicant* (Parker), 170, 172  
 Cooper, Fred, 302  
 Copland, Ian, 314, 315  
 Corsica, constitution of, 135  
*Crisis of the Constitution, The* (Judson),  
   142–3  
*Crisis of Parliamentary Democracy*  
   (Schmitt), 338–41, 342–3  
 Cromartie, Alan, 8  
 Cromwell, Oliver, 252  
 Crook, Malcolm, 246  
 custom, and law creation, 110–12
- Darius, representations of, 36–7  
 Daubresse, Sylvie, 126  
*De Cive* (Hobbes), 9, 117, 128–32, 238–9,  
   245–6  
*De la Demonomanie des Sorciers* (Bodin),  
   125  
*De Iure Belli ac Pacis* (Grotius), 128  
*De Iure Naturae et Gentium* (Pufendorf),  
   132–4  
*De laudibus legum Angliae* (Fortescue), 147  
*De legibus* (Cicero), 6–7, 73–4, 78–9, 85,  
   94, 95  
   on liberty, 90–1  
   Plato's influence on, 79–84  
*De re publica* (Cicero), 6–7, 74–5, 78  
*De republica Anglorum* (Thomas Smith),  
   146–7  
 decolonisation, 297–9  
   *see also* anti-colonialism  
*Defence of the Constitution* (John Adams),  
   208–10
- Defender of the Peace, The Defensor Pacis*  
   (Marsilius of Padua), 7, 97–8  
*Defiance, A* (Overton), 176–7  
 deliberation, as element of democracy,  
   117–18, 246  
 demagogic rule, 217–18  
 descent into tyranny, 229–31  
*Democracies of the East* (Mukerjee), 312–13  
 democracy, 54, 246  
   ancient Greek conceptions of, 55–7  
   Aristotle, 5–6, 43, 46, 49–51, 58,  
     66–7, 230–1: and popular control,  
     59–62, 63–5, 71–2  
   and elites, 41  
   inapplicable in modern state, 116, 117  
   and legislation, 56–7  
   Plato, 45, 56, 231  
 in Athens, 16, 17–18, 19–20, 45–7,  
   53–5, 57–9  
   and accountability, 24–5, 43–5, 46,  
     47, 51  
   Rousseau on, 134  
   Socrates on, 56  
   as tyranny, 27–30, 37–44  
 in England, 144, 161–3  
 in Germany, resentment against, 321–3  
 in India, 312–13, 316–18  
   and majoritarianism, 13–14, 316, 318,  
     335  
 modern theories of, 13–14, 23, 324–5  
   Habermas, 353–4  
   Hobbes, 117, 128–9, 238–9, 245–6  
   Kelsen, 13, 334–9, 343–4, 349,  
     353–4, 356, 357  
   Rawls, 352–3  
   Rousseau, 115–16, 134–6  
   Schmitt, 13, 343–4, 346–7, 356, 357  
   Schumpeter, 350–2  
   Tocqueville, 268–9  
   Weber, 13, 321–2, 323–4, 325, 331–4,  
     345  
   Wolin, 356–7  
 and oligarchy, 229–30  
 and popular sovereignty, 13–14, 75,  
   187–8, 230–1, 282, 355–8  
 in Roman Empire, 75, 123–4, 127–8  
 and tyranny/despotism, 17–18, 19–20,  
   30–1, 50–1, 229–31, 269, 278–9  
*Democracy in America* (Tocqueville), 263–9  
 Dēmos/dēmos, 45–7, 52, 54, 60  
 control of office-holders by, 59–62,  
   63–4  
 images/representations of, 31–4, 37–44  
 unaccountability of, 44–5, 46, 47, 51  
 Demosthenes, 40–2

- despotism  
 and democracy, 19–20, 30–1, 50–1,  
 229–31, 269, 278–9  
 plebiscitary, 252–9, 260  
*see also* tyranny
- Detienne, Marcel, 32
- dictators/dictatorship, 122, 133  
 popular approval of, 252  
 Schmitt on, 346  
*see also* tyranny
- Dictatorship* (Schmitt), 341
- Dio Chrysostom, 38
- Diodotus, 24–5
- Dionysius of Halicarnassus, 122
- discursive hegemony, 66–7
- discussion *see* deliberation
- dominion status in British Empire, 191–4,  
 225–7  
 ideal for India, 13, 303, 304
- Draco, 62
- Dunn, John, 324–5
- Dyck, A. R., 77
- East India Company, 215–17  
 British government interference with,  
 215–17, 218–20
- education, in British imperialism, 303–4
- elections  
 in France, 252–60  
 in India, 315  
 of kings, 129–30  
 Marsilius on, 98  
 of office-holders in ancient Greek  
 democracies, 61  
 representation based on, 204–8, 228,  
 233–5  
*see also* voting rights
- Elements of Law, The* (Hobbes), 129–30
- elites  
 Athenian, democratic control of, 41  
 Cicero on role of, 78, 82  
 Indian, 303–4
- Elizabeth I (queen of England and  
 Ireland), 146, 148–9
- emergency powers, 143, 153–4  
*see also salus populi*
- empires  
 self-government in, 302–3  
*see also* imperialism
- England/Britain  
 and American Revolution, 190, 221,  
 223–4, 227–8  
 Civil War in, 164  
 constitution, 166–7, 173  
 democracy in, 144, 161–3
- imperialism of, 223–4, 303  
 African opposition to, 301–3  
 dominion status for colonies, 191–4,  
 225–7  
 Indian opposition to, 13, 301, 303–18  
 and popular/parliamentary  
 sovereignty, 193, 200–4, 215–17,  
 218–20, 222, 225–7
- legal system in, 150–2, 155  
 adjudicative supremacy, 152, 160  
 monarchy in, 144–5, 148–9, 153–4,  
 189–90  
 and Crown rule of the dominions/  
 colonies, 193–4  
 and personal liberties, 152–3  
 as popular despotism, 217–18  
 and popular sovereignty, 190–1  
 popular/parliamentary sovereignty in,  
 8–10, 142–3, 146–50, 155–60,  
 164–5, 166–7, 184, 213  
 Burke on, 214–15, 224–6  
 and colonial representation, 196–8  
 House of Commons, 149–50, 177–8,  
 196–7, 206–7  
 House of Lords, 176–7  
 and imperial rule *see* imperialism,  
 British  
 Levellers, 8–9, 165, 175–83, 184, 185  
 Parliamentarians on, 143–4, 165,  
 167–75, 194–6  
 people, 147–8, 158–9, 173, 185  
 and representation *see* representation,  
 theories  
 Royalists, 190–1, 198–200: Patriot  
 support for, 189–94, 200–4, 208–10
- representation theories in, 147, 165,  
 176–7, 180–3, 184–5, 194  
 union with Scotland, 150
- equality, 77–8, 81
- Ercole, Francesco, 96
- Essay In Defence of the Good Old Cause, An*  
 (Stubbe), 162–3
- Euben, J. Peter, 44–5
- Euripides, 29–30
- Europe, imperialism of, 9–10
- euthunai* (process of accounting), 19–20,  
 226
- Expansion of International Society, The* (Bull  
 and Watson), 298
- fairness, 77–8
- Fantham, E., 77
- federal unions, 284–5, 294–5  
 of India and Britain, 308–18
- Ferente, Serena, 7

## 402 Index

- Filmer, Robert, 154  
 Fleming, Chief Baron, 151  
 Fortescue, John, 147  
*Foundations of Democracy* (Kelsen), 349  
 Fox, Charles James, 213  
 France  
   constitution in, 138–40, 247  
   monarchy in, 124–7  
   plebiscites in, 138–40, 246, 250–1, 258–9  
   popular sovereignty in, 11–12, 239, 251–2  
     Constant on, 256–8  
     and people, 259–60  
     Roederer on, 241–5, 248–50  
     Sieyès on, 247, 270–1  
   Revolution in, 228–9, 232–4, 236  
     Burke on, 214–15, 229–32, 234–5  
     electoral procedures disputes, 252–60  
     modern legacy of, 12, 276–7, 290–2  
     Napoleon's *coup d'état*, 250  
     and political representation, 228, 233–5, 244–5, 246–7, 248, 251–2, 261–2, 275–6  
     Roederer's role in, 241  
     state as necessity for, 236–8  
 Franklin, Benjamin, 188  
 Franklin, Julian, 120  
 Fredrick II (the Great, king of Prussia), 287–8  
 Freud, Sigmund, influence of, 337–8  
 Furet, François, 228, 291  
  
 Gandhi, M. K., 307–8, 309–13, 316  
 Garat, Dominique, 244  
 Garsten, Bryan, 11–12, 230  
 Germany  
   democracy in, resentment against, 321–3  
   politics in  
     Schmitt on, 345, 346–7  
     Weber on, 327–8, 345  
   popular sovereignty in, 271, 273–4, 283–4, 320–1  
   Reich constitution in, 345  
   unification of, 283, 288–9  
   Weimar Republic, 13–14, 323  
     constitution of, 325, 332–3, 341  
 Gierke, Otto von, 96  
 Giesey, Ralph E., 120  
 Gilbert, Humphrey, 148, 149  
 God  
   powers of, 20  
   sovereignty of, 132  
  
 good  
   common, pursuit of, 154–5, 159–60, 163, 254  
   government, 159, 161, 163  
*Gorgias* (Plato), 231  
 Goswami, Manu, 300–1  
 government  
   constitutional, 7, 166–7, 173  
   good, 159  
   and protection of property, 161, 163  
 of Italian city-states, 5–6, 7, 99–100  
   accountability of princes, 112–13  
   transfer of powers to princes, 102, 110, 112  
 and sovereignty, 11–12, 137–8  
   Bodin on, 7–8, 118–27  
   Constant on, 257–8  
   Grotius on, 127–8  
   Hobbes on, 128–32  
   Pufendorf on, 132–4  
   Rousseau on, 116–17, 118, 134–6, 242–3, 257  
 Gray, Vivienne, 45  
 Greece, ancient  
   constitutions in, 7, 63–4, 65–6, 81–2  
   democracy in, 5–6, 43, 45, 46, 49–51, 58, 66–7, 230–1  
   and accountability, 59–62, 63–5, 71–2  
   inapplicable in modern states, 116, 117  
   and legislation, 56–7  
   monarchy in, 24, 48  
   people in, 25–7, 67  
   sovereignty in, 2, 43–4, 46  
   and modern theories, 16–17, 19, 49  
   popular sovereignty, 15–18, 52, 53, 55–7, 67–8, 71  
   tyranny in, 17–18, 23–4, 27–30, 48–9, 226  
   theatrical representations, 34–44  
   *see also* Athens  
 Green, Jeffrey Edward, 332  
 Grotius, Hugo, 21, 127–8, 133–4  
  
 Habermas, Jürgen, 322, 332, 353–4  
 Hales, John, 145  
 Hamilton, Alexander, 188–9, 203  
 Hansen, Mogens Herman, 15–16, 26, 52, 54  
 Harrington, James, 161, 162–3  
 Hedley, Thomas, 155  
 Hegel, G. W. F., 273  
 hegemony, discursive, 66–7  
 Henderson, Jeffrey, 28, 38, 39  
 Henry VII (Holy Roman Emperor), 106–7

- Herodotus, 19, 59, 226  
 Herzen, Alexander, 276–7  
 Hesk, Jon, 35  
*Hind Swaraj* (Gandhi), 309–10  
 Hinsley, F. H., 16  
 Hobbes, Thomas  
   on democracy, 117, 128–9, 238–9, 245–6  
   influence of  
   on Parker, 168  
   on Roederer, 241–2, 246, 248–9  
   on Sieyès, 244–5, 246  
   on monarchy, 191  
   and obligation of obedience, 207  
   time-limited, 129–30, 252  
   on people, 200, 251  
   Pufendorf's criticism of, 132–3  
   on sovereignty  
   and accountability, 49  
   division of, 9  
   and government, 128–32  
   and representation, 185–6, 199–200, 274–5  
 Hoekstra, Kinch, 3, 131, 226  
 Hont, Istvan, 260, 276  
 Horkheimer, Max, 323  
 Howard, Martin Jr., 197  
 humanists, Paduan, 105  
*Humble Enquiry, An* (Zubly), 204–5  
 Hume, David, 229–30  
 Hunton, Philip, 157, 172–4  
*hupeuthunos* (accountable), 19–20
- imperialism  
   British, 223–4, 303  
   African opposition to, 301–3  
   dominion status for colonies, 191–4, 225–7  
   Indian opposition to, 13, 301, 303–18  
   and popular sovereignty, 193, 200–4, 215–17, 218–20, 222, 225–7  
   European, 9–10  
 Impey, Elijah, 216  
*In Politica Aristotelis Introductio* (Lefèvre), 119, 122
- India  
   British rule of, 215–17  
   and East India Company, 215–17, 218–20  
   opposition to, 13, 301, 303–18  
   constitution, and princely states, 313–16  
 Indian National Congress, 305, 313, 315, 318  
 indirect representation/sovereignty, 253, 270–3, 295–6
- individualism  
   of liberalism, 256  
   in popular sovereignty theories, 178–9, 185, 239–41, 267–8  
 Ingersoll, James, 196–7  
 Innes, Joanna, 72  
*Innocency and Truth Justified* (Lilburne), 175  
 international law, 292–3  
 international relations, and decolonisation, 298  
 Iredell, James, 202–3  
 Ireton, Henry, 183  
 Isocrates, 40–1  
 Israel, Jonathan, 291  
 Italy, popular sovereignty in, 96, 106–9, 113–14  
   *see also* city-states, Italian  
*Ius Populi* (Parker), 158–60, 168–9, 171
- Jacopo da Carrara, 107–10  
 Jalal, Ayesha, 316–17  
 James I and VI (king I of England and VI of Scotland), 148–50  
 Jenyns, Soame, 196  
 Jinnah, M. A., 309, 316–18  
 judges, powers of, in England, 151  
 Judson, Margaret, 142–3  
 jurors  
   powers of, 43  
   unaccountability of, 43–4  
 just societies, and democracy, 352–3
- Kant, Immanuel, 9  
   influence of, 283–4, 285–6, 293  
 Kedourie, Elie, 12, 298–9, 318  
 Kelly, Duncan, 12  
 Kelsen, Hans, 13, 334–9, 348–9  
   on democracy, 13, 334–9, 343–4, 349, 353–4, 356, 357  
   influence of, 353–4  
   and Schmitt, 339, 342–3  
 King, Rufus, 188  
 kings  
   authority transferred by people to, 168  
   election of, 129–30  
   obligation of obedience to, 207  
   sovereignty of, 131–2  
 Kirchner, Cristina, 355  
*Knights* (Aristophanes), 37–42  
 Knox, Bernard, 34  
*kurios* (sovereign/kingship), 18, 52–3, 55, 68–9  
   of multitude (people), 55–7, 59, 62, 64–5, 66–7  
 Kurke, Leslie, 23

## 404 Index

- Laclau, Ernesto, 354–5  
 Ladavac, Nicoletta, 334–5  
 Landauer, Matthew, 43–4  
 Lane, Melissa, 5, 17, 226  
 Laski, Harold, 295–6  
 lawmaking  
   and democracy, 56–7  
   and law interpretation, 156  
   by people, 99, 110–12  
   and sovereignty, 3, 16  
 laws  
   interpretation of, 152, 156  
   liberties protected by, 155  
   and morality, 154–5  
   popular approval of, 99, 243  
   rationality of, 151  
   Roman, 78–9, 92, 101–5  
     and customary law, 110–12  
     and state, 292–3, 330, 340  
*Laws* (Plato), 80, 84  
 leadership, of democracies, 331–2, 333  
*Lectures on Jurisprudence* (Adam Smith), 9  
*Lectures on Law* (Wilson), 210  
 Lefèvre, Jacques, 119, 122  
 legal systems, English, 150–2, 155  
   and adjudicative supremacy, 152, 160  
 legitimate government, 5–7  
*Lehre vom Modernen Staat* (Bluntschli),  
 279–80, 281–2  
 Leibniz, Gottfried Wilhelm, 20  
*Letters from the Mountain* (Rousseau),  
 115–16  
 Leunissen, Mariska, 55  
 Levellers, on popular sovereignty, 8–9,  
 165, 175–83, 184, 185  
*Leviathan* (Hobbes), 131–2, 185–6, 207,  
 252  
 Levy, Jacob, 262  
*lex de imperio Vespasiani* (inscription),  
 102–5, 124  
*lex regia*, 102, 110  
 liberalism  
   aristocratic associations of, 260–1,  
   262–3  
   imperial, 303–4  
   Indian, 303, 304–6, 309  
   individualism of, 256  
   new, 281, 285–6, 293–4  
   origins of, 280  
   Schmitt's criticism of, 349  
 liberty  
   of the people  
     Cicero on, 75–7, 84, 90–1, 94  
     and role of elites, 82  
     private, in England, 152–3, 155  
 Lieber, Francis, 292–3  
 Lilburne, John, 175–6  
 Lind, John, 198, 208  
 Livy, 1  
 lotteries, for selection of office-holders,  
 58–9, 226  
 Ludwig of Bavaria, 105–6  
 Luraghi, Nino, 24  
 Luttrell, Temple, 213  
 Lycias, 40  
 Macaulay, T. B., 304, 306  
 Machiavelli, Niccolò, 280–1, 287–9  
 Macleod, C. W., 25  
 magistrates  
   ancient Greek, 45  
   Bodin on, 69–70  
   Roman, 76, 92–3  
 Maine, Henry, 312  
 Maistre, Joseph de, 237–8, 256, 269  
 majesty (*maiestas*), 2  
   injury to, 1  
   Roman conceptions of, 1–2  
 Major, Wilfred E., 39, 40  
 majoritarianism, 13–14, 316, 318, 335  
 Mann, Thomas, 321  
 Mantena, Karuna, 12–13  
 Markham, William, 190  
 Marr, J. L., 45  
 Marsilius of Padua, 7, 97–8, 105–6  
   on accountability of prince, 112–13  
   on people as legislator, 99, 111–12  
   on political communities, 98  
 Marx, Karl, 268, 278–9  
 Massachusetts, constitutional debates in,  
 136–7  
*Max Weber and German Politics*  
 (Mommssen), 322  
 Mazzini, Giuseppe, 294  
 Melanchthon, Philipp, 3–4  
 Mendle, Michael, 171  
*Menexenes* (Plato), 56  
 Menzel, Adolph, 287  
*Methodus* (Bodin), 68, 118–20, 125–6  
 Miglietti, Sara, 69, 119, 120  
 Mill, John Stuart, 294–5  
 Milton, John, 22, 161  
 Mirhady, David C., 57  
 Mohl, Robert von, 288–9  
 Mommssen, Wolfgang, 322–3  
 monarchy, 3  
   ancient Greek conceptions of, 24, 48  
   constitutional, 261, 291–2  
   English/British, 144–5, 148–9, 153–4,  
   189–90  
   and Crown rule of dominions/  
   colonies, 193–4

- and personal liberties, 152–3
- as popular despotism, 217–18
- and popular sovereignty, 190–1
- in France, 124–7
- time-limited/elected, 133–4
  - Bodin on, 122–3, 124–7
  - Hobbes on, 129–30, 252
  - Weber on, 322–3, 331
- Montesquieu, Charles-Louis de Secondat, 261, 275
  - denunciations of, 263
  - influence of, 261–2
- morality
  - and laws, 154–5
  - sovereignty constrained by, 3–4
- Morgan, Edmund, 325–6
- Mouffe, Chantal, 349
- Mukerjee, Radhakamal, 312–13
- Mulgan, Richard, 52
- Muslim League, 309
- Mussato, Albertino, 100, 107
  
- Napoleon Bonaparte, 254, 259
- Naraji, Dadabhai, 305–6
- nation-states
  - and anti-colonialism, 297–8, 300–1, 310
  - emergence of, 256, 273–4
  - federal unions of, 284–5, 294–5
  - and popular sovereignty, 286, 294, 295–6
- national sovereignty
  - anti-colonial rejection of, 312–13
  - emergence of, 271–3, 275–6, 277, 295–6
- nationalism, 294–5
  - anti-colonial, 299–300
  - and decolonisation, 298–9
  - Indian, 303, 313–16
- Nationalist Thought and the Colonial World* (Chatterjee), 299–300
- Necker, Jacques, 228, 229, 270–1
- Nedham, Marchamont, 161
- négritude*, 302
- Nelson, Eric, 10, 137, 221
- Nietzsche, Friedrich, 320–1
- North, Frederick (Lord North), 189–90, 215
  
- Ober, Josiah, 15–16, 54, 66–7
- obligations, political, 207
- Observations* (Parker), 143–4, 155–60, 167–70, 171, 194–6
- Oedipus (Sophocles), 34–5
- office-holders
  - Bodin on, 69–70
  - in Greek democracy (*archontes*), 54, 56–7, 58
  - control by *dēmos* of, 59–62, 63–4, 71–2
  - eligibility, 57–8, 62, 63
  - selection of, 58–9, 61, 226
- ‘Old Oligarch’, 45–7
- oligarchy, 66, 74–5, 94
  - and democracy, 229–30
- On the Essence and Value of Democracy* (Kelsen), 334–9
- Ostwald, Martin, 52–3
- Otanes, 59
- Overton, Richard, 176–81
  
- Padua, Carraresi lordship of, 107–10
- Paduan early humanists, 105
- Paret, Peter, 287
- Parker, Henry, 8
  - influence of, 175–6, 178–9
  - on parliamentary/popular sovereignty, 143–4, 155–60, 167–72
  - and adjudicative supremacy, 160
  - and representation, 158–63, 165, 169–70, 194–6
  - on people, 144
- Parliamentarians (English Civil War), on popular/parliamentary sovereignty, 143–4, 165, 167–75, 194–6
- parliamentary absolutism, 171
- parliaments/parliamentary sovereignty in Britain/England, 8, 143–4, 146–50, 155–60
  - and adjudicative supremacy, 152, 160
  - Burke on, 224–6
  - colonial representation, 196–8
  - House of Commons, 149–50, 177–8, 196–7, 206–7
  - House of Lords, 176–7
  - and imperial rule *see* imperialism, British
  - Levellers, 8–9, 165, 175–83, 184, 185
  - Parliamentarians, 143–4, 165, 167–75, 194–6
  - Royalists, 174, 190–1, 198–200:
    - Patriot support for, 189–94, 200–4, 208–10
  - in France, 124–7
  - German political thought on
    - Kelsen, 335–7
    - Schmitt, 341–2, 343
    - Weber, 332–3, 345
  - and representation, 144, 335–6
    - Parker on, 158–9, 160–3, 165, 169–70, 194–6
- Parrhasius, 31



## 406 Index

- Patriots (American Revolution), popular sovereignty views of, 189–94, 200–10
- Pausanias, 31
- Peisistratus, 23
- people
- ancient Greek conceptions of, 25–7, 67
  - British conceptions of, 147–8, 168, 173, 185
  - Hobbes on, 200, 251
  - French conceptions of, 259–60
  - Italian medieval conceptions of, 99, 100–1
  - kings elected by, 129–30
  - lawmaking by, 99, 110–12
  - liberty of
    - Cicero on, 75–7, 84, 90–1, 94
    - and role of elites, 82
    - in Roman Empire, 75–7
  - and nation, 273–4
  - property of, 74–5
  - represented by Parliament, 144, 158–9, 160–3, 169–70, 335–6
  - as single ruler/tyrant, 30–1
  - transfer of sovereignty to rulers by, 102, 110, 112, 168–9, 185–6, 198–200, 204–8
  - unity of, 274–5, 325–6, 336, 338, 343–4, 346, 350–1, 354–5, 356
  - see also* popular sovereignty
- Pericles, 27–30
- Persians* (Aeschylus), 36–7
- Petition of Right, 152–3
- Petty, Maximilian, 183
- Pitt, William (Pitt the Elder) *see* Chatham, William Pitt
- Plato
- on democracy, 45, 56, 231
  - influence on Cicero, 79–84
  - writings on Socrates by, 56
- plebiscitary democracy, 333–4, 345
- plebiscitary despotism, 252–9, 260
- plebiscites, 243–4
- in France, 138–40, 246, 250–1, 258–9
  - in North America, 136–8
- Rousseau on, 134–6
- plebs, tribunate of, 88–9
- plēthos see* Dēmos/dēmos
- pluralism, Indian, 312–13
- polis, identified with the people, 25–7
- political communities, Marsilius on, 98
- political institutions, Indian, 311–12
- political obligation, 207
- political participation, 76
- political parties, 13, 336
- political systems, 81–2
- Political Theology* (Schmitt), 338–9
- politics
- democratic, 13
  - German
    - Schmitt on, 345, 346–7
    - Weber on, 327–8, 345
  - and law, 292–3
- Politics* (Aristotle), 5–6, 7, 48–51, 52, 58, 59–62, 66–7, 68–9
- Polybius, 59
- popolo* regimes in Italy, 5–6, 7, 99–100
- popular sovereignty, 3, 4, 14, 212–13
- American Patriot support for, 189–94, 200–4, 208–10
  - ancient Greek conceptions of, 15–18, 55–7
  - Aristotle, 52, 53, 64–5, 67–8, 71
  - anti-colonial/post-colonial, 12–13, 318–19
  - Bodin on, 70, 71
  - and democracy, 13–14, 75, 187–8, 230–1, 282, 355–8
  - in England/Britain, 8–10, 142–3, 164–5, 166–7, 184
  - and imperialism, 193, 200–4, 215–17, 218–20, 222, 225–7
  - Levellers, 8–9, 165, 175–83, 184, 185
  - Parliamentarians, 143–4, 165, 167–75, 194–6
  - and representation theories, 184–5
  - Royalists, 174, 190–1, 198–200
  - see also* parliaments/parliamentary sovereignty
- in France, 11–12, 239, 251–2
- Constant on, 256–8
  - and people, 259–60
  - Roederer on, 241–5, 248–50
  - Sieyès on, 247, 270–1
- in Germany, 271, 273–4, 283–4, 320–1
- in Italy, 96, 106–9, 113–14
- modern theories of
- nineteenth century, 270–3, 274, 277:
    - Bluntschli, 277–83, 286, 292–3
    - French Revolution's legacy, 12, 276–7, 290–2
  - Habermas, 354
  - individualism in, 178–9, 185, 239–41, 267–8
  - Laclau, 354–5
- in North America, 10, 187–8, 210–11, 271
- Parliament as representation of *see* parliaments/parliamentary sovereignty

- Roman conceptions of, 53, 59, 75  
 Cicero, 73, 75, 78, 94–5  
 and elites' role, 78, 82  
 and state, 267–9, 278, 282–3, 286,  
 292–3, 294, 295–6, 347  
*see also* national sovereignty;  
 parliaments/parliamentary  
 sovereignty  
 symbolic representations of, 106–9  
*Popular Sovereignty* (Anthony), 270  
 post-colonial sovereignty, 318–19  
*Poverty and Un-British Rule in India*  
 (Naraji), 305
- powers  
 abuse of, 180  
 of censors, 86–8  
 of the *dēmos*, 38  
 emergency, 143, 153–4  
*see also Salus Populi*  
 of God, 20  
 of judges, in England, 151  
 of jurors, 43  
 of Parliament, 181–2  
 arbitrary, 171–2  
 in England/Britain, 193  
 of people  
 as legislators, 99, 110–12  
 transferred to rulers, 102, 110, 112,  
 168–9  
 of sovereignty, sharing/division of, 4–5,  
 7, 8–9
- princely states (India), 313–16
- principates  
 and democracy, 123–4  
*see also* city-states, Italian
- Principles of Politics* (Constant), 256–7  
*Project for Corsica* (Rousseau), 135–6  
*Prometheus Bound* (Aeschylus), 36–7
- property  
 of the people, 74–5  
 protection, democracy/government  
 based on, 161, 163  
 rights, and popular sovereignty, 178–80  
*Province of Jurisprudence Determined, The*  
 (Austin), 270
- Prussia, 287–8
- public good, pursuit of, 154–5, 159–60,  
 163, 254
- public opinion, 249–50, 258, 280
- Pufendorf, Samuel, 22–3, 132–4, 226
- Raaflaub, Kurt, 28
- Rainsborough, Thomas, 183
- Ranke, Leopold von, 320, 322
- rationality, of law, 151
- Rawls, John, 352–3
- Reade, Thomas, 183
- Reason of State, 156–7
- Reeve, C. D. C., 58, 60
- referendums *see* plebiscites
- Reflections of a Nonpolitical Man* (Mann),  
 321
- Reflections on the Revolution in France*  
 (Burke), 229
- Regall Tyranny discovered* (Lilburne),  
 175–6
- religion  
 in North America, 265  
 and secularity, 162  
 religious toleration, 162
- Remarks on the Review* (Bancroft), 201
- Remonstrance, A* (Overton), 177
- representation  
 election based, 204–8, 228, 233–5  
 indirect, 253, 270–3, 295–6  
 of Muslims in Indian democracy,  
 316–18  
 in parliamentary democracy *see*  
 parliaments/parliamentary  
 sovereignty
- theories  
 English, 147, 165, 176–7, 180–3,  
 184–5, 194  
 French, 228, 233–5, 237–8, 248,  
 251–2, 261–2  
 of Hobbes, 185–6, 199–200, 274–5  
 of Parker, 158–63, 165, 169–70,  
 194–6  
 of Sieyès, 244–5, 246–7, 275–6  
 virtual, 196–8
- republic, 237
- republicanism, modern, 280–1
- resistance  
 of Indians against British imperial rule,  
 301, 308–18  
 theories of right of, 289
- revolution/rebellion, rights to, 228
- Reynolds, Beatrice, 120
- Rhetorica ad Alexandrum*, 56–7, 59
- Rhodes, Peter, 25–6, 45
- Richter, Melvin, 259
- rights  
 to lawmaking, 3  
 of man, Burke on, 220–1, 231–2  
 of people  
 Cicero on, 75–7, 84, 90–1, 94  
 in England, 152–3  
 to property, and popular sovereignty,  
 178–80  
 of revolution, 228

## 408 Index

- rights (*cont.*)  
 to vote  
   male universal, 182–3  
   Plato on, 80–1  
   in Roman Empire, 76–8, 89–90  
 rights of man, Burke on, 220–1, 231–2  
 Robespierre, Maximilien, 234, 247–8  
 Robinson, Eric, 58  
 Rochau, August, 281  
 Roederer, Pierre-Louis, 11–12, 241–5, 246, 248–50, 253, 254, 255  
 Rolando da Piazzola, 105  
 Roman Empire  
   censors in, 85, 86–8, 91–3  
   constitution of, 75, 77, 82–4  
     and democracy, 123–4, 127–8  
   democracy conceptions in, 75, 123–4, 127–8  
   laws in, 78–9, 92, 101–5  
     and customary law, 110–12  
   magistrates in, 76, 92–3  
   majesty in, 1–2  
   oligarchy in, 74–5, 94  
   people's rights in, 75–7, 84, 90–1, 94  
     voting rights, 76–8, 89–90  
   political turbulence/violence in, 84–5  
   sovereignty in, 101–5  
     Cicero on, 73, 75, 78, 94–5  
     and elites' role, 78, 82  
     popular sovereignty, 53, 59, 75  
     tyranny conceptions in, 74–5  
 Rosanvallon, Pierre, 253  
 Rotteck, Carl von, 281  
 Rousseau, Jean-Jacques  
   on democracy, 115–16, 134–6  
   influence on Roederer, 242–3  
   on sovereignty  
     and general will, 274–5  
     and government, 116–17, 118, 134–6, 242–3, 257  
 Rutherford, Samuel, 175  
  
 Sabbadini, Lorenzo, 8–10  
 Saffon, M. P., 355  
 St John, Oliver, 153–4  
 Salle, Jean-Baptiste, 138, 139  
 Sallust, 1–2  
 Salmasius, Claudius, 22  
*salus populi*, 143, 153–4  
   invocation of, 143  
   modern redefinitions of, 293  
 Schmitt, Carl, 13  
   on democracy/parliament, 13, 341–2, 343–4, 346–7, 356, 357  
   on dictatorship, 346  
   on German politics, 345, 346–7  
   influence of, 354–5  
   and Kelsen, 339, 342–3  
   on modern state, 338–41  
   Nazi sympathies of, 348, 349  
   on popular sovereignty, 347  
   and Weber, 332  
   on Weimar constitution, 341  
 Schumpeter, Joseph, 350–2  
 Scotland, union with England, 150  
 secular–religious distinction, 162  
 Selden, John, 151  
 self-ownership, 179–80, 184  
 self-regulation/self-government  
   civil, in America, 264–9  
   in imperial structures, 302–3  
   Indian demands for, 13, 306–7  
   and unity of people, 343–4  
 senate, Roman  
   censors' power over, 86–8  
   Cicero on role of, 82–4, 93–4  
 Sexby, Edward, 161  
 Sieyès, Emmanuel Joseph, 11, 140–1, 232, 233–4, 246, 255  
   influence of, 271–3  
   on popular sovereignty, 247, 270–1  
   on representation, 244–5, 246–7, 275–6  
*signorie*, 107–10  
*sindacato*, 113  
 Sinha, Mrinalini, 300, 308  
*six livres de la République, Les* (Bodin), 2–3, 21, 70, 119–22, 124  
 Skinner, Quentin, 183, 275  
 sleeping sovereign, 7–8  
 Smith, Adam, 9, 224–5  
 Smith, John Thomas, 146–7, 157  
 Smith, Sophie, 65  
*Social Contract* (Rousseau), 115–16, 117  
 Socrates, 29–30, 56  
 Solon, 46, 58, 62–3  
   influence on Aristotle, 64  
 Somers, 1st Duke of (Edward Seymour), 145  
 Sophocles, 34–5  
 South Africa, Gandhi's campaigns in, 307–8  
 sovereignty, 1–5  
   and accountability, 20–3, 49, 226–7  
   ancient Greek conceptions of, 2, 43–4, 46  
   and modern theories, 16–17, 19, 49  
   division/sharing of, 4–5, 7, 8–9  
   in England, 142–3

- of God, 132  
 and government, 11–12, 137–8  
   Bodin on, 7–8, 118–27  
   Constant on, 257–8  
   Grotius on, 127–8  
   Hobbes on, 128–32  
   Pufendorf on, 132–4  
   Rousseau on, 116–17, 118, 134–6, 242–3, 257  
 of kings, 131–2  
 and lawmaking, 3, 16  
 medieval conceptions of, 101–5  
 modern theories of, 53, 72  
 moral constraints of, 3–4  
 transfer of, by people to ruler, 185–6, 198–200, 204–8  
   *see also* popular sovereignty  
 Staël, Germaine de, 237, 254  
 Stanton, Timothy, 13–14  
 states  
   modern  
     ancient democracy inapplicable in, 116, 117  
     emergence of, 286–7, 289–90  
     functions of, 236–8, 240–1  
     Kelsen on, 338  
     and law, 292–3, 340  
     Schmitt on, 338–41  
     Weber on, 328–31  
     and popular sovereignty, 267–9  
     Bluntschli on, 278, 282–3, 292–3  
     Schmitt on, 347  
     *see also* nation-states; national sovereignty  
   *Statesman* (Plato), 56  
   Stubbe, Henry, 162–3  
   suffrage, universal male, 182–3  
     *see also* voting rights  
   *summum imperium see* sovereignty  
   Swadeshi movement (India), 309–13  
   *swaraj* (self-rule), 13, 306–7, 308, 310  
   Switzerland, 285  
  
 Tatum, Jeffrey, 86  
 theatre, ancient Greek, 34–44  
 Thouret, Jacques-Guillaume, 233–4  
 Thucydides, 24–5, 26, 27–30, 40, 55, 58  
 time-limited monarchies, 133–4  
   Bodin on, 122–3, 124–7  
   Hobbes on, 129–30, 252  
 Tocqueville, Alexis de, 259, 262–9, 270–1, 278  
 toleration, religious, 162  
  
 tragedies, ancient Greek, on tyranny, 34–7  
*Treatise of Monarchie, A* (Hunton), 172–4  
 Tuck, Richard, 2, 7–8, 246  
 Tucker, Josiah, 137, 190  
 Tucker, St George, 137–8  
 tyranny, 3–4  
   ancient Greek conceptions of, 17–18, 23–4, 27–30, 48–9, 226  
   theatrical representation, 34–44  
   and democracy, 19–20, 30–1, 50–1, 229–31  
   in Athens, 17–18, 27–30, 37–44  
   Roman conceptions of, 74–5  
   *see also* despotism; dictators/dictatorship  
  
 Ullmann, Walter, 96–7  
 uniformity, dangers of, 255–6  
 unions, federal, 284–5, 294–5  
   of India and Britain, 308–18  
 United States  
   constitution of, 10–11, 210  
   constitutional plebiscites in, 136–8  
   popular sovereignty in, 10, 137, 187–8, 189, 210–11, 271  
   Patriot views of, 189–94, 200–10  
   Tocqueville on, 263–9  
   war of independence, 190, 221, 223–4, 227–8  
 Urbinati, Nadia, 355  
  
 Varro, 32  
 Vespasian (Roman emperor), 123–4  
 Vidal-Naquet, Jean-Pierre, 35  
 voting rights  
   male universal, 182–3  
   Plato on, 80–1  
   in Roman Empire, 76–8, 89–90  
   *see also* elections  
  
*Wasps* (Aristophanes), 42–4  
 Watson, Adam, 298  
 Weber, Marianne, 345  
 Weber, Max  
   on democracy/democratic politics, 13, 321–2, 323–4, 325  
   leaderless and leadership distinction, 331–2  
   parliament's role in, 332–3, 345  
   plebiscitary, 333–4, 345  
   on German politics, 327–8, 345  
   influence of, 350  
   on modern state, 328–31  
   on monarchy, 322–3, 331  
   on popular sovereignty, 275

Cambridge University Press

978-1-107-13040-1 - Popular Sovereignty in Historical Perspective

Edited by Richard Bourke and Quentin Skinner

Index

[More information](#)

## 410 Index

Welcker, Carl Theodor von, 280

Whately, Thomas, 197

Wilder, Gary, 302

will, general, 274–5, 325–6, 336, 338,  
343–4, 346, 350–1, 354–5, 356

Williams, David, 213

Wilson, James, 187–8, 192–3, 205–7,  
210–11

wisdom, role in political systems, 81–2

Wolin, Sheldon, 356–7

Wolterstorff, N., 353

women, excluded from people, 111

Xerxes, 36–7

Zeitlin, Froma, 34

Zeus, representations of, 36–7

Zubly, John Joachim, 204–5