

Moral Reasoning 74:  
The Theory and Practice  
of Republican Government

Lecture 08:  
The Re-Emergence of Institutions

Professor Daniel Carpenter  
Harvard University

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Research Opportunities  
this Summer

Need archival work in Washington, D.C., if you're there.

Pay is max Harvard allowable.

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Abolition & Restoration  
Major Themes

I. Abolition and Commonwealth  
II. Trials of the Commonwealth  
III. Protectorate  
IV. Full Circle: Restoration

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### I. Abolition (1649)

*An Act to Abolish the Kingly Office.* “Whereas Charles Stuart, late King of England ... [etc.], has by authority derived from Parliament been and is hereby declared to be justly condemned, adjudged to die, and put to death, for many treasons, murders and other heinous offences committed by him, by which judgement he stood and is hereby declared to be attainted of high treason, whereby his issue and posterity, and all others pretending title under him, are become incapable of the said crowns, or of being king or queen of the said kingdom or dominions, or either r any of them;...

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### I. Abolition (1649)

...be it therefore enacted and ordained..by this present Parliament and the authority thereof, that all the people of England and Ireland..., of what degree or condition soever, **are discharged of all fealty, homage and allegiance which is or shall be pretended to be due to any of the issue of posterity of the said late King, or any claiming under him;** and that Charles Stuart, eldest son, and James called Duke of York, second son, and all other the issue and posterity of him the said late King, and all and every person and persons pretending title from, by or under him, are and be disabled to hold or enjoy the said Crown of England and Ireland...”

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### I. Abolition (1649)

And whereas **it is and has been found by experience that the office of a king in this nation and Ireland, and to have the power thereof in any single person, is unnecessary, burdensome and dangerous to the liberty, safety and public interest of the people,** and that for the most part use has been made of the regal power and prerogative to oppress and impoverish and enslave the subject, and that usually and naturally any one person in such power makes it his interest to encroach upon the just freedom and liberty of the people, and to promote the setting up of their own will and power above the laws, that so they might enslave these kingdoms to their own lust,...

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### I. Abolition (1649)

...be it therefore ordained and enacted by this present Parliament...that **the office of a king in this nation shall not henceforth reside in or be exercised by any one single person**, and that no one person whatsoever shall or may have or hold the office, style, dignity, power or authority of king of the said kingdoms and dominions, or any of them...

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### Supremacy of Parliamentary Form

“And whereas the abolition of the kingly office provided for in this Act a most happy way is made for this nation (if God see it good) to return to its just and ancient right of being governed by its own Representatives or National Meetings in Council, from time to time chosen and entrusted for that purpose by the people; it is therefore resolved and declared by the Commons assembled in Parliament that they will put a period to the sitting of this present Parliament, and dissolve the same, so soon as may possibly stand with the safety of the people that has betruusted them...”

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### Possibility of Elections

“...and with what is absolutely necessary for the preserving and upholding the government now settled in the way of a Commonwealth, and that they will carefully provide for the certain choosing, meeting and sitting of the next and future Representatives with such other circumstances of freedom in choice and equality in distribution of Members to be elected thereunto as shall most conduce to the lasting freedom and good of this commonwealth.”

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## II. Trials of Commonwealth

- A. Invasions of Ireland and Scotland
  - Drogheda and Wexford massacres
- B. Revolt of the Diggers, Collapse of the Levellers
  - Gerard Winstanley
- C. Cromwell dissolves the Rump (1653)
  - Inability of people’s legislature to subject itself to electoral discipline
  - But: who’s in charge now?

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### *Instrument of Government (1653)*

- Kishlansky [pp. 206-207]: “The *Instrument* began with no statement of sovereignty, though it was based on classical principles of mixed government. **The failure of monarchy under Charles, of a form of aristocracy under Barebones, and of a form of democracy under the Rump weighed heavily in the thinking behind the instrument.** Power was divided among Protector, council, and Parliament in ways that checked the potential abuses of each. In addition, the *Instrument* specifically protected religious rights. All ‘peaceful’ Christians, except Catholics and Episcopalians, would have freedom of worship which neither Protector nor Parliament could abrogate.”
- “The Instrument combined elements of proposals for constitutional reform that had surfaced since 1647. It borrowed from the Army’s platforms, from the Leveller *Agreements of the People*, and from the writings of republicans.”

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Instrument draws upon Levellers, *An Agreement of the Free People of England* (1649)

Revisit this: notice advocacy of mixed regime.

“We the Free people of England, to whom God hath given hearts, means and opportunity to effect the same, do with submission to his wisdom, in his name, and desiring the equity thereof may be to his praise and glory; Agree to ascertain our Government, **to abolish all arbitrary power**, and to set bounds and limits both to our Supreme, and all Subordinate authority, and remove all known Grievances.”

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Levellers, *An Agreement of  
the Free People of England* (1649)

“I. That the **Supreme Authority** of England and the Territories  
therewith incorporate, shall be and reside henceforward in a  
**Representative of the People** consisting of four hundred persons,  
but no more...

**Separation of Office from Representation:**

“III. And to the end all Publick Officers may be certainly  
accountable, and no Factions made to maintain corrupt Interests,  
no Officer of any salary, Forces in Army or Garison, not any  
Treasurer or Receiver of publick monies, shall (while such) be  
elected a Member for any Representative; and if any Lawyer shall  
at any time be chosen, he shall be incapable of practice as a  
Lawyer, during the whole time of that Trust.”

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Levellers, *An Agreement of  
the Free People of England* (1649)

**Term Limits:** “IV. That no Member o the present  
Parliament shall be capable of being elected of  
the next representative, not any Member of any  
future Representative shall be capable of being  
chosen for the Representative immediately  
succeeding...”

Question: is this sufficient to control Parliament?

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Levellers, *An Agreement of  
the Free People of England* (1649)

“IX. And **that none henceforth may be ignorant or doubtful  
concerning the power of the supreme Authority**, and of the  
affairs, about which the same is to be conversant and exercised:  
we agree and declare, that the power of Representatives shall  
extend without the consent or concurrence of any other person  
or persons,

1. To the conservation of Peace and commerce with forrain  
Nations.
2. To the preservation of those safe guards, and securities of our  
lives, limbes, liberties, properties, and estates, contained in the  
**Petition of Right**, made and enacted in the third year of our late  
King.
3. To the raising of moneys, and generally to all things as shall be  
evidently conducing to those ends, or to the enlargement of our  
freedom, redress of grievances, and prosperity of the Common-  
wealth.” [HD, 321-33]

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#### IV. Restoration (1657-1661)

- Protectorate could last only as long as Cromwell did
- Morgan: a triumph of popular sovereignty, not a defeat [*Inventing*, pp. 92-93].
- But all is not the same: Crown checked, Lords below Commons, precedent established, at minimum with the Petition of Right (1628).

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#### What Would You Do (WWYD)?

- Scenario One [Interregnum]: You can't have a monarchy, but you need some degree of executive authority. What do you do? [Think outside the "box" of the U.S. Constitution.]
- Scenario Two [Restoration]: You must have a monarchy, and so you have no president.

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#### WWJDD?



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WWJDD?

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