

*The last dying Words of.*  
**PATRICK RACK FORRISTAL,**  
OF RHADUFF, IN THE COUNTY OF WEXFORD,  
Who is innocently to suffer for the Murder of JOHN JAMES.

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FRIENDS AND FELLOW-CITIZENS,

I WAS born in *Rhaduff*, in the Parish of *Killan*, County of *Wexford*, and must this Day suffer for a Murder of which I am Innocent.—It is true I am an United Irishman, and held a Commission in the United Irish Army, from its Commencement, which I had to its Dissolution continued in : since I was put into Confinement I have been made several Officers, which would have saved my Life; but such dishonourable and improper Proposals should never basely influence me, for had I a thousand Lives with that I am to lose, they should all be forfeited in the same Cause, as the spirit of a Republican should never leave my Breast (were I to live a Century), and hope it will not die with me.

I declare it to be true that I was with my Party at the time JOHN JAMES was murdered; but I solemnly declare, that I never murdered him, nor did any of the Party that were with me, to my Knowledge; and that I was the only Person who prevented them taking his Life, prior to the Time I understand he had been murdered.—And I declare I am an entire Stranger, except by hearsay, of what is laid to my Charge, and for which I now must suffer; and I hope every other Man who may hear of me, and who has any spirit towards the Cause, may think nothing of what is past, but may, if it comes to their turn, as cheerfully suffer as I do. I therefore, good People, forgive my Prosecutor, and I die a Martyr in the Cause, in the Twentieth Year of my Age; and request all Christians will pray that the LORD will have Mercy on my Soul.

PATRICK RACK FORRISTAL.

*August 19th, 1799.*

# The Tree of Liberty

## Republicanism: American, French, and Irish

Philip Pettit

In the mid-1790s, when the United Irishmen, the leaders of Irish republicanism, sought to make their ideas known among the populace at large, they had recourse to primers and catechisms.

- 1 Kevin Whelan, *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760–1830* (Cork, 1996), 57
- 2 For my earlier work on related issues, see Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford, 1997). For historically more authoritative research, see Quentin Skinner, *Liberty Before Liberalism* (Cambridge, 1998) and Maurizio Viroli, *Republicanism* (New York, 2002). See too Iseult Honohan, *Civic Republicanism* (London, 2002) and John W. Maynor, *Republicanism in the Modern World* (Cambridge, 2003).
- 3 Philip Pettit, 'Liberty and Leviathan', in *Politics, Philosophy and Economics* (forthcoming 2005)
- 4 Thomas Hobbes, *Leviathan*, ed. E. M. Curley (Indianapolis, 1994), 143
- 5 Thomas Hobbes, *On the Citizen [De Cive, 1642]*, ed. Richard Tuck and Michael Silverthorne (Cambridge, 1998), 111

The drill of a catechism was a familiar and effective way of instilling belief in the people they wanted to lead. Thus we find the following published in Cork in 1797:

What is that in your hand? It is a branch.  
Of what? Of the tree of liberty.  
Where did it first grow? In America.  
Where does it bloom? In France.  
Where did the seeds fall? In Ireland.<sup>1</sup>

I want to comment on each of these answers in turn and then ask after what, if anything, was distinctive about the doctrine of liberty — republicanism as it is commonly called — that arose in Ireland.<sup>2</sup>

### *Of what? Of the tree of liberty*

The image of the tree of liberty having a branch in Ireland serves to convey both an historical and a geographical fact. Historically, republicanism was a plant with ancient roots. And geographically, it was not just an Irish phenomenon; it had roots and branches in many different places. In order to understand what people in the 1790s would have understood by liberty, it may be useful to focus initially on an alternative view of freedom developed by one of the harshest critics of republicanism, the seventeenth-century pro-absolutist thinker, Thomas Hobbes, the author of *Leviathan* (1651).

Hobbes tried to introduce a way of thinking about liberty under which it was opposed to physical obstruction and legal coercion: in short, to interference of any kind.<sup>3</sup> Liberty, he maintained, prevailed in the 'silence of the laws' — that is, coercive laws — and in the absence of physical restraint.<sup>4</sup> He was breaking new ground in introducing this way of thinking, as indeed he himself claimed; and he was doing so in a way that served his pro-absolutist purposes.<sup>5</sup> The representation of freedom as non-interference enabled him to argue that people could be just as free under an absolutist régime as under one in which citizens play an active part in formulating the law. If liberty is non-interference, then coercive law always initially takes away liberty. There is no *necessary* difference, then, between absolutist and non-absolutist régimes. Whether the law-giver be a dictatorial prince or a popular assembly, the laws given will always initially reduce people's liberty; and they may do this while serving equally well or badly the overall promotion of that liberty.

The key to understanding the republican way of thinking about liberty is to recognize that, in the eyes of republicans, Hobbes was defending an absurd position. James Harrington, an enthusiast of the English republic of the 1640s and 1650s, was prompted to write: 'The mountain hath brought forth and we have a little

equivocation!'.<sup>6</sup> He suggested that Hobbes was confusing liberty under the law — true civil liberty — with the sort of natural liberty that we might imagine people enjoying in a solitary existence: liberty *from* the law rather than liberty *under* the law.

But if, contrary to Hobbes, true civil liberty does not consist in the absence of interference, what *does* it involve? Republicans believed that liberty does not rule out subjection to law as such, only subjection to the arbitrary or uncontestable law of an absolute ruler. More generally, they thought that the antonym of freedom was not interference but rather domination — exposure to the arbitrary, uncheckable power of a *dominus* or master in one's life. Being free, they insisted, meant being no one else's subject or servant or slave; it meant enjoying the status that allowed one to be one's own man or woman, acting without fear or deference according to one's own will.

If freedom requires the absence of an arbitrary master in one's life then two things follow immediately, both of which would have been rejected by Hobbes. First, as mentioned, it follows that being subject to the law — being subject to taxation and coercion and the prospect of penalty — will not take away one's freedom if the law is not uncheckable and arbitrary; if, as republicans hoped it might be, it represents an impartial, impersonal, essentially contestable régime that the citizens of a republic can embrace. And second, it follows that being subject to the arbitrary power of others, even if they are kindly masters — even if they never look likely to interfere — will still make one unfree. Such kindly masters may give one 'free rein' (in the received expression) but, like the rider who gives a horse free rein, they will remain firmly in the saddle, enjoying the position of a *dominus*.

The Roman republicans gave early, fairly explicit expression to this view of freedom, saying that liberty, *libertas*, was the antonym of *dominatio*, or mastery. The free

person, or the *liber*, was someone who did not live *in potestate domini*, in the power of a master. That Roman theme was embraced at the time of the Renaissance by the burghers of Florence and Venice and other northern Italian cities. It carried over into the language of the English revolutionaries of the 1640s and their successors in the 'Glorious Revolution' of 1688. And it became a mainstay of the rhetoric of gruff independence that was celebrated in eighteenth-century England and America, and rendered in a somewhat more egalitarian key in revolutionary France. This initially Roman theme persisted in the Irish tradition. As the Bantry Bay Proclamation of 1796 put it: 'True republicans fight only to vindicate the rights of equality and detest ever the name of a Master.'<sup>7</sup>

It is not difficult to see how freedom could have been cast as the antonym of domination or mastery. In the long republican tradition, living under the thumb of others, being exposed to their arbitrary power of interference in one's life, was the very epitome of unfreedom. It was to live at the mercy of those others, dependent on their grace and favour, and thus inclined, in servile fashion, to keep them sweet, whether by the caution of self-censorship or by the fawning and toadying associated with self-ingratiating. Freedom, in contrast to such subjection and servility, was presented as a condition in which one could walk tall and look others in the eye, knowing that one could not be pushed around with impunity, and knowing that this knowledge was shared among the members of one's community.

The tree of liberty to which the United Irish catechism directs us is the tradition in which such independence — 'independency upon the will of another' — was celebrated, and all forms of involuntary subordination deplored.<sup>8</sup> The tradition focused, as did all traditions down to the end of the eighteenth century, on propertied, mainstream males, but it identified a rich and commanding ideal of human life and relationships. The

6 James Harrington, *The Commonwealth of Oceana and A System of Politics*, ed. J. G. A. Pocock (Cambridge, 1992), 20

7 Quoted in Seán Cronin and Richard Roche, *Freedom the Wolfe Tone Way* (Tralee, 1973), 78

8 Algernon Sidney, *Discourses Concerning Government* [1698], ed. T. G. West (Indianapolis, 1990), 17

- 9 Richard Price, *Political Writings*, ed. D. O. Thomas (Cambridge, 1991), 78
- 10 Joseph Priestley, *Political Writings*, ed. Peter N. Miller (Cambridge, 1993), 140
- 11 See Pettit, *Republicanism*, ch. 1.

tradition also extended the ideal from individuals to whole communities. In the late eighteenth century, Richard Price argued that the free community, like the free individual, is the community of individuals whose shared fortunes are not subject to arbitrary determination by a foreign power.<sup>9</sup>

The extension of the ideal of freedom to the communal level gave it relevance and impact, not just in the critique of absolutist rule, but also in the critique of any form of colonial rule. It made it applicable, not just in condemnation of the more or less absolute rule of the French king, but also in castigating the rule of the British government — a moderate, practically republican government, as it was generally seen — in the affairs of the American colonists. Even if the British government dealt relatively generously with the colonists — even if it taxed them for just one penny, as Joseph Priestley said in explicating their grievances — it had the arbitrary power to deal with them as it wished: ‘For by the same power, by which the people of England can compel them to pay *one penny*, they may compel them to pay the *last penny* they have. There will be nothing but arbitrary imposition on the one side, and humble petition on the other’.<sup>10</sup>

I have concentrated on the republican conception of freedom as non-domination because, while the ideal involved is easy to grasp, the Hobbesian view of freedom as non-interference systematically displaced it in liberal traditions of thought. While Hobbes had little influence in his own time, his idea of freedom as non-interference became the mainstay of utilitarian and liberal thought in the eighteenth and nineteenth centuries. Thus Jeremy Bentham could write in 1776:

As against the coercion applicable by individual to individual, no liberty can be given to one man but in proportion as it is taken away from another. All coercive laws, therefore, and in particular all laws

creative of liberty, are as far as they go abrogative of liberty.

This thought would have been anathema to republicans; they would have seen an enormous gulf between the rule of a non-arbitrary law and the régime of law imposed by an absolute or colonial ruler.

How did the liberal tradition of the nineteenth century ever come to embrace a conception of liberty associated with absolutist thought? Two considerations are pertinent.<sup>11</sup> First, it served well in defence of the colonial rule that the American revolutionaries wished to combat. Thus John Lind (1776) could invoke the notion of freedom as non-interference, which he admitted to borrowing from Bentham, as a ground for resisting American claims. He argued that if freedom is non-interference, then all law takes away freedom, whether it be imposed by a domestic or colonial government; thus he held that the Americans cannot claim that just because law is imposed on them by a foreign government, they are thereby made unfree.

A second consideration that may have helped to usher in the new way of thinking about freedom relates to the fact that by the end of the eighteenth century it was generally conceded that the citizenry of the state could not be confined to mainstream, propertied males, but would also have to include women and servants. This expansion of the constituency of state concern would have led to an almost impossible radicalism, had the older ideal of freedom as non-domination continued to prevail; it would have required an overturning of contemporary domestic and master–servant law. But if freedom meant just non-interference, then the inclusion of women and servants would not have called for removing the power of masters in their lives; women and servants would be perfectly free, under the new way of thinking, provided they happened not to suffer actual interference. It may be this

observation that led one of the most influential of the utilitarians, William Paley, to argue in 1785 that the traditional, pre-Benthamite way of thinking about freedom was, ironically, too radical. He saw it as one of those definitions of liberty ‘which, by making that essential to civil freedom which is unattainable in experience, inflame expectations that can never be gratified, and disturb the public content with complaints, which no wisdom or benevolence of government can remove’.<sup>12</sup>

### *Where did it grow? In America*

To answer the second question, we have to return to the republican conception of liberty. In the third line, the catechism says that the tree of liberty — the republican way of thinking about freedom — grew in America. Is this fair? I am inclined to answer: yes and no. No, because in celebrating freedom, and in giving it institutional form, the American rebels drew on what was already a very well-established tradition. Yes, because the Americans did indeed develop the first, fully worked-out version of what is required for a country and a constitution to be free.

The reason for saying ‘no’ is that the comment overlooks the fact that the republican tradition was a creation of ancient Rome, built out of Greek ideas; that it had been used in the Renaissance period to describe and shape the politics of northern Italian city-states like Florence and Venice; and that it had been exported from Italy to conceptualize the aspirations of the Polish republic in the sixteenth and seventeenth centuries, the Dutch republic of the seventeenth century, and the English republic of the 1640s and 1650s, as well as the English settlement after the Glorious Revolution. While Britain remained a monarchy in the wake of that settlement, it did very well by republican ideals — ‘commonwealthman’ ideals, as they were

often called — ensuring, better than any contemporary régime, that law could not be imposed arbitrarily on people.<sup>13</sup> Thus the Baron de Montesquieu could say in his great work, *L’Esprit des Lois* (1748), that England alone had a constitution — an unwritten, conventional way of doing things — that made freedom its primary end. Indeed he could go so far as to describe England, in an unmistakable reference, as ‘a nation where the republic hides under the form of monarchy’.<sup>14</sup>

This favourable picture of Britain as a country where at least the mainstream, propertied males enjoyed a high degree of freedom — freedom as non-domination — was widely shared in the eighteenth century and was adopted enthusiastically in Britain itself. It was even shared by the leader of the United Irishmen, Theobald Wolfe Tone. He wrote of England as a country ‘where, if anywhere, constitutional liberty is studied and known, where the influence of the Crown is, comparatively, much weaker than with us, and where there is, out of doors, a jealous vigilance, a fund of knowledge, and a spirit of resistance not yet to be found in Ireland’.<sup>15</sup>

It is worth emphasizing the standing of eighteenth-century Britain as a republic hidden in the form of a monarchy, with a constitution devoted to the value of liberty, since it certainly did not have that aspect in Ireland at that time. Just as republican Rome had been a very repressive taskmaster in the rest of Italy and in its Mediterranean colonies, so this freedom-loving Britain presided over Ireland, or at least over Catholic and Dissenting Ireland, with a will that was no less arbitrary and dominating than that of the most absolutist régime. If the Westminster government was a kindly master in the American colonies — albeit, still a master, and still an objectionable ruler — it was a very unkindly master indeed in its Irish manifestation. The penal laws were surely among the most arbitrary laws ever

12 William Paley, *The Principles of Moral and Political Philosophy, Collected Works*, vol. 4 (London, 1825), 359

13 Caroline Robbins, *The Eighteenth-Century Commonwealthman* (Cambridge, Mass., 1959)

14 Charles de Montesquieu, *The Spirit of the Laws*, ed. and trans. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge, 1989), 70

15 Cronin and Roche, *Freedom the Wolfe Tone Way*, 87

- 16 Polybius, *The Histories*, trans. W. R. Paton (Cambridge, Mass., 1922–27)
- 17 Fergus Millar, *The Crowd in Rome in the Late Roman Republic* (Ann Arbor, 2002)

imposed, especially by a parliament that claimed to advance the cause of freedom.

So, strictly speaking, America was not the country where the tree of liberty first grew, nor even the country where it had first grown in the period leading up to 1798. But my answer to the question about America was both yes and no. And the reason for saying ‘yes’ is that, notwithstanding the extent to which Britain — or Poland or the Dutch provinces — could lay claim to republican credentials, the rebellion of the American colonies in 1775, and the ratification of the United States Constitution in 1787, marked a whole new beginning in the development of republican thought and practice.

From its origins in classical Rome, republicans had argued that, foreign or colonial rule apart, the two great dangers to freedom — freedom as non-domination — came from private power or *dominium* and public power or *imperium*. They did not doubt the capacity of a well-run régime of law — a state, as it would later be conceived — to curb the danger from private power, incorporating citizens into a legal and cultural framework of equality. But they saw very keenly that, while a state might serve to reduce private domination in people’s lives, it could itself represent an even more threatening source of public domination. Their central problem then was how to devise a state that would reduce private domination without becoming a source of public domination. They expressed that problem in the well-known question. *Quis custodiet ipsos custodes?* Who will guard against the guardians? Who will police the police? Who will govern the governors?

The Roman solution to this problem involved four elements:

- a dispersion of public power among different bodies and authorities, leading to a system of checks and balances;
- a rule of law — ‘an empire of laws, not of men’, as James Harrington (1656) described it in the seventeenth century — that would treat no one as special;
- an electoral régime in which appointments were made by more or less popular will for limited periods, and often on a rotational basis;
- a contestatory dispensation in which a virtuous citizenry would invigilate government relentlessly, on the assumption that power may corrupt the most high-minded of rulers: the routine expression of this idea is ‘the price of liberty is eternal vigilance’.

The dispersion of power in classical Rome was described as a mixed constitution by the Greek slave-historian, Polybius, who first told the Romans that they were really special.<sup>16</sup> It was perhaps the most striking aspect of the Roman republic. For under the constitution that had emerged slowly over centuries, there were at least three public forums, each with its distinctive powers (the centuriate assembly, the tribal assembly, and the senate); there were many different officials, each with his own domain of action, and, at the top of that hierarchy, two consuls, not just one; and there were, finally, a group of plebeian tribunes who had a power of veto over many public proposals.<sup>17</sup> The system represented a mixed constitution, insofar as it contained elements of monarchy, aristocracy and democracy.

The ideas of the mixed constitution, the rule of law, election to office and civic, contestatory virtue became the markers of republican modes of thinking. The mixed constitution and the rule of law represented ways of containing the governors. The electoral and contestatory elements exemplified ways of empowering the governed: electoral processes empowered the governed, considered collectively, and contestatory dispensations empowered the governed, considered individual by

individual, or grouping by grouping. It was in America that republican constitutionalism was first developed and articulated in the systematic way required for establishing a new régime. The unwritten ways of doing things among the Romans, in the Renaissance Italian cities, and in eighteenth-century Britain had been praised by republican writers for allowing citizens to have a reasonable hope of enjoying freedom as non-domination, both in relation to private and in relation to public power. But in none of those countries had republican ideas served comparably to ordain the explicit design of social institutions; at most they had had a degree of influence in reshaping them in face of changing circumstances. In the classic instance of republican utopian writing — Harrington's *Oceana* (1656) — there had been a series of recommendations for the design of Oceana's (Britain's) institutions and practices. But this was a utopian work. It was in America that recommendations on this scale were actually realized in practice.

So, America was different. It was a creation of individuals who rejected foreign rule and designed for themselves a set of institutions that were meant to create, as if out of nothing, a truly republican society. The founders were focused explicitly on the ideal of freedom as non-domination and they devoted themselves to working out the implications for their new country of ideas like those of the mixed constitution, the rule of law, electoral control and contestatory virtue. The exercise gave rise eventually to the constitution of 1787, in which these different institutional ideals all have a presence. The bicameralism of Congress, the separation of legislative, executive and judicial bodies, and the embrace of federalism sat well with the idea of the mixed constitution. The emphasis on due process, on the protection of rights, and on the judicial policing of the legislature expressed a commitment to the rule of law. And of course the commitment to a

democracy of equals answered well to electoral and contestatory ideals. The courage and the impudence of the American colonists in rejecting their traditional rulers and in seeking to build this new political world stunned their contemporaries in Europe. They were not people of the traditional ruling class nor, in the main, members of the Established Church. They ranged from lawyers to men of trade, from clerks to carpenters, and they brought to their revolution a wide variety of religious and philosophical ideas. They exemplified a faith in the capacity of human beings, just in virtue of their human nature, to build from scratch a new world in which everyone could enjoy a full measure of freedom. Or if not everyone, at least those in the mainstream and male. Women remained outside the republican pale, even in this new dawn, and of course so did the African-American slaves who would have to wait nearly a century longer for their emancipation.

Prior to the emergence of America as an independent republic, people might have thought that the extent to which a country and its institutions enabled members to enjoy freedom (as non-domination) was a matter of fortune — something in the lap of the gods. All of that changed after 1775. Now it appeared that human beings could make their own political destiny, sitting down together to pool their intelligence and using their common reason in the invention of new institutions. The marker of this fresh beginning was the idea of devising a document of understanding, be it a declaration of independence, a written constitution, or a bill of rights, behind which people could rally in opposing their foes and around which they could hope to build a new life among themselves. This was heady stuff and it aroused passions and enthusiasms across the world, not least of course in Ireland.

- 18 Quentin Skinner, *Visions of Politics. Vol. 2 Renaissance Virtues* (Cambridge, 2002), 394–99
- 19 J. P. Canning, ‘The Corporation in the Political Thought of the Italian Jurists of the Thirteenth and Fourteenth Century’, *History of Political Thought*, 1 (1980), 9–32; ‘Ideas of the State in Thirteenth and Fourteenth Century Commentators on the Roman Law’, *Transactions of the Royal Historical Society*, 33 (1983), 1–27

### *Where does it bloom? In France*

The French Revolution gave a prominent place, like the American, to the notion of the rule of law — due process, natural justice, respect for rights — and like the American it emphasized the need for an electoral, contestatory democracy: a democracy in which any citizen could vote and stand for office (again, the citizenry remained a male preserve) and where the people were expected to monitor those in power and be ready to protest every abuse or semblance of abuse. But France differed from America, especially after the execution of the king and the rejection of monarchy, in its emphasis on the central and unique authority of *le peuple souverain* — the sovereign, self-ruling people. Through this difference, the central feature of the mixed constitution, its dispersion of authority, was severely reduced in importance. There might be a dispersion of authority and power at lower levels but at the top of the governmental hierarchy, according to the French vision, there stood a single supreme sovereign — the people.

It was no accident that French republicanism should have introduced this novel theme. In order to explain why, however, it is necessary to go back to the sixteenth century and to see how the notion of sovereignty arose and gained a hold on French political thought. The St. Bartholomew’s Day Massacre of 1572 in Paris, in which thousands of Huguenots were killed, led to the development of what came to be known as the monarchomachian movement in France.<sup>18</sup> This movement drew on medieval legal theory to argue that, provided it was represented by authorized spokespersons, a people, like a guild or a university or any corporate body, could be a legal agent with a will of its own: a *persona ficta* or artificial person.<sup>19</sup> The Huguenot monarchomachs drew on that theory to argue that the people they constituted, with their own local representatives, were a single, consolidated entity that must be presumed to

have made a contract with the French king to be governed on certain terms. But they maintained that the king’s campaign of religious persecution had surely violated the terms of any presumptive contract. And thus they had the right, as a corporate people, to rise up and reject that king. It was because of this claim that they came to be known as ‘monarchomachs’ or ‘king-killers’.

The monarchomachian claims caused consternation in a France that was already riven by civil and religious dissension and, famously, they prompted Jean Bodin in *Six livres de la république* (1576) to argue that in every régime there had to be a single, sovereign power, with supreme authority over every aspect of life. It might have appeared to many contemporaries that Bodin, in taking this line, was rejecting the traditional republican view that there need not be any one sovereign — that sovereignty, if we are to speak of sovereignty, can be divided out among different individuals and bodies, as under the mixed constitution. But Bodin, making use of the notion of a corporate agent, maintained that even in the Roman republic there was an ultimate sovereign — the *populus Romanus* itself. Thus from outside the republican tradition he offered a radical rereading of republican claims, casting the doctrine as one in which the corporate, collective people are the last court of political authority and power.

Thomas Hobbes was equally concerned to undermine the radical monarchomachian movement and he found a particularly clever and effective way of doing so. He took over the medieval and monarchomachian view that the people could exist as a group agent in its own right only so far as it was represented. But he then argued that representation required a single voice and that the only effective representative or ‘personator’ of the people — the only one who made them into a ‘civil person’, as he said — was the sovereign.



The upshot was that the people as a whole could not be thought of as having made a contract with the sovereign such that the sovereign might be in breach of its terms; the people would dissolve themselves into a multitude, as he put it, should they kill or reject the sovereign: corporately speaking, regicide would be suicide. Hobbes, like Bodin, had a strong preference for a monarchical sovereign but he admitted that in principle the people in assembly — a committee of the whole, as we might say — could serve as well as an individual king to represent or personate the multitude, effectively transforming them into a people or *populus*. The main thrust of his argument was that whether the sovereign was a king or a people, sovereignty had to involve a more or less absolute kind of authority and power. Whether government was monarchical or popular, he said, it had to be absolute in character if it was to do its job of keeping the peace; and like Bodin, he associated popular or democratic government with the republican tradition. He took the republican dalliance with the notion of dispersing power to be a nonsense that failed to recognize the requirements of politics.

Both Bodin and Hobbes were influential in France and their influence probably explains why the most influential of French republican thinkers, Jean Jacques Rousseau, developed a version of republican doctrine — a renegade or heretical version — in *The Social Contract* (1762) in which the idea of popular sovereignty was given pride of place. Like all republicans, Rousseau took domination or dependency to be the great ill that the state should rectify and he believed that the law — the impartial rule of law — was the most important instrumentality in achieving this end. But unlike others, he argued that the law could not be expected to achieve the required impartiality, or to be established in common awareness as having that impartiality, unless it emanated from the citizenry as a whole.<sup>20</sup> Viewing the citizenry or people as a corporate entity in the monarchomachian manner, he claimed

that that body could have a will of its own and that this will, if allowed to form and issue in legislation, would inevitably support the impartial rule of law required for individuals to be protected and empowered against domination. He thought, moreover, that this will would not be a dominating presence in people's lives, since it would belong in a sense to each; it would represent the *general will* of the corporate people, as distinct from the particular wills of individual members of that body.

Rousseau had an enormous influence on the ways in which French revolutionaries thought and he gave French republicanism a very different cast from the traditional or the American version of the doctrine. In this variety, republicanism came to represent not just a belief in the democratic rule of law, but a belief in the democratic rule of the collective people. Democracy had always been an important aspect of republicanism, of course, both in its electoral and contestatory senses; both in the sense in which it validated the collective election of those in government and in the sense in which it permitted and encouraged the invigilation of government by ordinary citizens. But prior to Rousseau, republicanism had never given central place to the idea of popular, unchecked rule; on the contrary, it had set up an opposition between republicanism and any such image of popular democracy. Polybius, for example, had contrasted the Roman republic, in which he found power dispersed among many bodies and authorities, with the sort of unregulated democracy that he associated, rightly or wrongly, with Athens; this city he described, in a received phrase, as a ship without a captain, buffeted by the winds of public opinion. The contrast between republic and democracy remained in place right down to the French Revolution, with the collective *demos* being cast as having the capacity to be just as despotic as the absolute prince. It was in this context, for example, that republicans in America worried — as republicans had

20 Jean-Fabien Spitz,  
*La Liberté Politique: Essai de Généalogie Conceptuelle*  
(Paris, 1995)

- 21 Thomas Bartlett, ed., *Life of Theobald Wolfe Tone* (Dublin, 1998), 714
- 22 The reference is to Henry Flood. See A. T. Q. Stewart, *A Deeper Silence: The Hidden Roots of the United Irish Movement* (London, 1993), 41–43.

always worried — about the possibility of a tyranny of the majority.

The United Irish catechism says that the tree of liberty blooms in France, though grown in America. Wolfe Tone might not have agreed with these words. Conscious of the excesses of the reign of terror, he described America in 1796 as ‘the best governed spot on the face of the earth’.<sup>21</sup> But ‘blooming’ suggests life and wildness — something resistant to control, with a momentum of its own — and the French celebration of the sovereign, triumphant people certainly released that kind of energy. The republican flame may have burned strongly in the austere determination of the American settlers but in France it achieved levels of popular combustion unequalled before then in human history.

The combustible potential of French republicanism increased even further as the doctrine of the sovereign people became a doctrine of the self-determining nation. The growing romanticism about nationality — a romanticism to which Rousseau’s own doctrines had contributed — now transformed republicanism from a sound, if sometimes staid, ideal into a vision that attracted public passion and devotion. The austere figure of the virtuous republican citizen, ever ready to do his duty in the practice and invigilation of government, gave way to the rather more gripping image of the hero ready to die for love of his people. This was the stuff of which public enthusiasm and fervour were made, heightened further by the sight of the French *patrie* threatened by the surrounding, unreformed régimes of Europe. This was the political image that played a crucial role in the embrace of republicanism by those national groupings all over Europe that found themselves, like the Irish, under the heel of a colonial or imperial power. No wonder, then, that the tree of liberty should be said to bloom in France, even if it grew in America.

### *Where did the seeds fall? In Ireland*

We have identified three different strands in the brand of republicanism emerging in America and France in the late eighteenth century — a classical rhetoric of independency or freedom, individual and communal, that was common to both countries; a constitutional ideal of establishing ‘an empire of laws, not of men’ that was particularly associated with the American rebellion; and an ideal of popular or national sovereignty that emerged with particular force in the context of the French Revolution. All of these themes had a presence in Ireland of the 1790s and played a role in shaping the republicanism of the United Irishmen.

The rhetoric of independency and freedom — freedom as non-domination — was part of the *lingua franca* of two important groups in Ireland of the 1780s: the Whig Clubs that attracted those who identified with the British commonwealthman tradition, including Wolfe Tone who penned pamphlets as ‘A Radical Whig’ and ‘A Northern Whig’; and the Volunteers who were formed in 1778 to defend the country in the event of a French or Spanish invasion. These groups, composed in great part of Dissenters, became forces of reform that argued domestically for the repeal of legislation under which the resolutions of the Dublin parliament could be overridden in London. They were successful in achieving the repeal of this legislation in 1782, thereby ushering in a new constitution for Ireland, as it was seen at the time.

The Volunteers’ insistence on the importance of freedom in the sense of independency can be seen particularly well in their reaction to the observation of a rather cold-eyed lawyer on what had actually been achieved in the repeal of this legislation.<sup>22</sup> He pointed out that while the British parliament was no longer overruling its Dublin counterpart, it had not given up the right to assume an overruling role, should it choose. It had decided to behave in a kindly or beneficent

manner towards the Irish parliament, to put the point in republican terms, but it remained still the master of that body. It had given the Irish parliament free rein but it still sat in the saddle. The reaction of the Volunteers to this observation was exactly what one would expect of people steeped in republican thought. Led by Henry Flood, they demanded, not just *repeal* of the offending legislation — this had already been achieved — but *renunciation* of the very right to overrule Dublin's laws. And this they achieved in 1783 in a British parliament that must have feared the possibility of its Irish subjects — not just the native Catholics but the Dissenting and even the Anglican settlers — rising in the manner of the American colonists.

The 1782 constitution, and 'Grattan's Parliament' of the 1780s and 1790s, proved to be a great disappointment for the Volunteers and more radical Whigs. Its business was effectively manipulated by Dublin Castle, with the lord lieutenant having a far more effective degree of control over who would rule there than the king had in relation to Westminster. It was despair over the prospects of ever realizing republican ideals through this parliament

that led Wolfe Tone and others to establish the United Irishmen in 1791, and ultimately to seek full independence for Ireland. As Tone said in commentary on that parliament: 'We are free in theory, we are slaves in fact.'<sup>23</sup>

The United Irishmen embraced the rhetoric of independency and freedom with a fervour equal to that of the Americans or the French, as indeed this language of slavery suggests. Tone, as we saw, gave expression to the core idea when he said that true republicans 'detest ever the name of master'. He personally exemplified the attitude when he wrote from Princeton in a letter of 1795 that he could never live in a country where he had to depend on the leave or permission of others for doing so. 'I would exist in no country *permissu superiorum*.'<sup>24</sup>

The second theme — republican constitutionalism, as it crystallized in America — also had a powerful influence on the Volunteers, the more radical Whigs, and the United Irishmen. In the 1791 Declaration of the Society of United Irishmen the target explicitly opposed is 'that mortal disease which corrodes the vitals of our constitution'; and the

23 T. W. Moody, R. B. McDowell and C. J. Woods, eds., *The Writings of Theobald Wolfe Tone, 1763–98*, vol. 1 (Oxford, 1998), 115; cited hereafter as Tone, *Writings*

24 Tone, *Writings*, vol. 2 (2001), 30

Francis Wheatley  
*The Dublin Volunteers on College Green, 4th November 1779*  
1780  
oil on canvas  
175 x 323 cm  
National Gallery of Ireland, Dublin



25 Tone, *Writings*, vol. 1, 107

26 Tone, *Writings*, vol. 2, 33

27 Tone, *Writings*, vol. 1, 111

symptoms of that illness are said to be ‘the rejection of a place bill, of a pension bill, of a responsibility bill, the sale of peerages in one house, the corruption publicly avowed in the other’ and ‘the notorious infamy of borough traffic between them both’.<sup>25</sup>

These are exactly the sorts of constitutional complaints that one would expect of a movement that tracked the American colonists in opposing departures from the idealized ‘empire of laws, not of men’, and that looked with horror on factional manipulation and financial corruption and abuse. We find the same constitutionalist, even legalistic, temper in ‘a plaguety long letter’ that Tone writes from America in 1795:

Governor Mifflin (the General) told me that in a very short time the State (of Pennsylvania) would be able to pay all their expenses by the interest of the money which they were daily lodging in the bank without drawing a dollar from the people. What do you say to a State not mortgaging its revenues to an irretrievable amount, but growing rich and living like a wealthy individual on their money in the funds? Then go and

look at Ireland borrowing two million in one year — and for what? I have not the temper to go on. *These are the things that make men Republicans.*<sup>26</sup>

But if republican constitutionalism was an important source of inspiration for the United Irishmen, as it was in America, the republican patriotism and nationalism that emerged so powerfully in France had an equal and perhaps even more salient presence in their minds. The linkage came about in the more or less Rousseauvian thought, certainly present in the work of Wolfe Tone, that there cannot be an ‘empire of laws’ — there cannot be a satisfactory constitutional settlement — except so far as it is realized through the rule of the people, a form of government in which the popular will is sovereign. Even in Britain the secret of constitutional success, according to Tone, was that ‘the people are very powerful, though they have not their due power’. He argued by contrast that in Ireland ‘the people are utterly disregarded and defied’ — this is why he thought independence from England essential — and that it is for this reason ‘that we see Peculation protected, Venality avowed, the Peerage prostituted, the Commons

Mick O’Dea  
*The Split*  
1997  
computer print  
29.5 x 52.5 cm  
private collection;  
courtesy of the artist



corrupted'.<sup>27</sup> The background thought, phrased in appealing understatement, is that 'it is not a bad pledge for the good conduct of rulers, that they should have a wholesome fear of the spirit of a people united in interest and sentiment'.<sup>28</sup>

Driven by republican outrage at constitutional violations in Ireland, then, Tone calls for power to be given to the people. He looks more concretely, in the capitalized words of the United Irishmen Declaration, for 'AN EQUAL REPRESENTATION OF ALL THE PEOPLE IN PARLIAMENT'. Here, and in Tone's private writings, 'the people' is understood in a completely inclusive sense: 'Our whole people consists of Catholics, Protestants, and Presbyterians, and is, therefore, greater than any one of these sects, and equal to them altogether.'<sup>29</sup>

Tone argues in this spirit for the need to unite the Irish people, to overcome sectarian division, and to make possible an effective resistance to rule from London. His sense of the need to unite the people moves him in two directions. On the one hand, it leads him to make a plea, on behalf of Catholics, to other Irish people:

We prate and babble and write books and publish them, filled with sentiments of freedom, and abhorrence of tyranny, and lofty praises of the *Rights of Man!* Yet we are content to hold three millions of our fellow creatures and fellow subjects, in degradation and infamy and contempt, or, to sum up all in one word, in *slavery*.<sup>30</sup>

On the other hand, it prompts him to make a call to national feeling, almost in the fashion of a nineteenth-century romantic nationalist:

Irishmen are brave, generous, and determined. Courage and prudence will establish independence, liberty, and equality in their native soil, under the shade of their own mountains.<sup>31</sup>

### *How distinctive was Irish republicanism?*

I have tried to locate Irish republicanism, particularly as it emerged in the late eighteenth century, in a broader tradition that encompasses America and France, and the longer Roman, Renaissance and English tradition. I want to suggest that there is one radically new theme in the Irish version of republicanism, particularly in the version associated with Wolfe Tone. It consists in a different, more ecumenical attitude to religion than was to be found in America, France, or Britain.

The American Revolution had been marked by a Dissenter spirit, as we might expect from the land of the Pilgrim Fathers. It could even be seen as the expression of an ideology of Dissenter independence that came to be embraced by American Protestants generally; and the colonists, of course, were mainly of Protestant stock. Tone himself associated republican thought and attitudes with the Dissenting tradition, finding it plausible as well as politically useful to hail the role of northern Presbyterians:

The Dissenters of the north, and more especially of the town of Belfast, are, from the genius of their religion, and from the superior diffusions of political information among them, sincere and enlightened Republicans.<sup>32</sup>

The American response to religious difference, in particular to the many differences among the Protestant churches, was to declare, ultimately in a spirit of friendship towards religion, that no one church should have the sort of connection with the state that the Anglican Church enjoyed in England. Given that the founders and their followers belonged to different sects themselves, it is not surprising that they preferred a separation of church and state; they proposed that the state should be forced to be neutral between rival denominations. But while this neutrality

28 Tone, *Writings*, vol. 1, 101

29 Tone, *Writings*, vol. 1, 100

30 Tone, *Writings*, vol. 1, 125

31 Bartlett, *Life of Theobald Wolfe Tone*, 692

32 Tone, *Writings*, vol. 2, 298–99

33 Jean Jacques Rousseau, *The Social Contract and Discourses* (London, 1973), ch. 4

34 Tone, *Writings*, vol. 1, 125; vol. 2, 12

35 Tone, *Writings*, vol. 2, 386

would prove in eventual practice to be hospitable to Catholics, and indeed to the members of other religions, it was a Protestant sort of neutrality that saw merit only in distinctively non-Catholic attitudes of religious independence. It remained hostile to Catholicism and, in particular, to the suspect idea of giving allegiance to a foreign Pontiff and of acknowledging the authority of his priests.

Because of the contrasting religious profile of France, the response of French republicans to religion was very different from that of their American counterparts. Here, Roman Catholicism had been entirely dominant — after the Revocation of the Edict of Nantes (1685), tolerance towards Protestants had been guaranteed only in legislation of 1787 — and the Church had been closely and supportively connected to the *ancien régime*. In rejecting that régime, therefore, it is not in the least surprising that republicans should have seen themselves as enemies of the Church, nor indeed that the Church authorities should have seen them as such. Like American republicanism, then, the French variant was anti-Catholic too. But its anti-Catholicism was not grounded in a generally friendly disposition towards protestant churches, or towards religion of any kind. French republicans embraced, not the sort of separatism about church and state that appealed to Americans, but a downright secular or laicist attitude. The keyword was not neutrality but rather hostility.

The hostility to religion, which still shows up in the character of official France's attitude to religious symbolism, may have had theoretical as well as sociological roots. For Rousseau had argued forcibly and influentially that religion and the Christian religion in particular, was inherently hostile to republican independence and freedom:

Christianity preaches only servitude and dependence. Its spirit is so favourable to tyranny that it always profits by such a *régime*. True Christians are made to be

slaves, and they know it and do not much mind: this short life counts for too little in their eyes.<sup>33</sup>

All of this said, it is relatively easy to see in what regard the republicanism of the United Irishmen was genuinely novel. Unlike the anti-Catholic separatism that prevailed in America, and unlike the anti-religious secularism of France, Irish republican separatism of this period was not particularly hostile to Catholics, and its secularism was accepting of religion in general.

Tone laid the ground for reconciling Catholicism and republicanism in arguing that 'Protestantism is no guard against corruption', believing as he did — and as republicans in general would have believed — that 'power long exercised would corrupt an angel'.<sup>34</sup> He devoted much of his work to countering sectarian division, praising every sign of Dissenter support for the cause of Catholics; where the political situation of Dissenters had been greatly improved, the standing of Catholics remained decidedly second class. And he continually held out the prospect of a society in which religious toleration would prevail while the linkage between confessional allegiance and political power would be broken. This vision of reconciliation and respect is expressed by Tone with romantic, practically eschatological, enthusiasm:

The memory of religious dissensions will be lost, when no sect shall have an exclusive right to govern their fellow citizens. Each sect will maintain its own clergy, and no citizen will be disfranchised for worshipping God according to his conscience. To say all in one word, *Ireland shall be independent*. We shall be a nation, not a province, citizens, not slaves.<sup>35</sup>

Hasten the day. ■

This is a version of a lecture given at the Notre Dame Irish Studies Summer Seminar in 2004.