

means by which to attain the loftiest goals in this good life. Toward this end, men were authorized to elect and to call into account magistrates.

Similarly, in this atmosphere of the society being the outgrowth of a moral association among men, Plato's *Crito* had portrayed Socrates as perhaps the wisest man of his day, the most rational and, therefore, among those persons most capable of verbalizing the will of the deities in a form applicable to the conduct of the citizens in an ideal state. Yet, Socrates did not, in the Lockean sense, declare war on his society by exerting his personal will to escape persecution. Socrates decided to conform with the laws to which he had tacitly consented as well as actively opposed. He instilled respect for the law by his obedience thereto while he at the same time provided a model for political dissent within a legal framework. Although the writings of ancient times are far removed chronologically from the Maryland Constitution of 1776, the idea that government is derived from the consent of the governed, that man's natural affinity is to associate with one another, and that man's agreements with one another are necessarily equally binding on all contracting parties, were nascent in Greek literature.

St. Thomas Aquinas departed from the traditional ideas of the early Middle Ages which had taught that all society was but the institution of God's will on earth and that the truth of His will could be known by revelation. God's "plan" was omnipresent in the resulting government, almost always dominated by the clerics and the church hierarchy. The state at that time was thought to be of divine origin and was consequently invariable except through the deeds of lucid foresight, executed by the "divinely

inspired" monarch. Indeed, St. Thomas Aquinas innovated through his writings in 1250 A.D. by suggesting that political authority was derived from God, but that this authority might be wielded by the people, according to their reason, in an effort to define a form of government by the means of a constitution alterable at their will.

This theme was discussed further by Montesquieu in the early eighteenth century in *L'Esprit des Lois*.⁴ Having acknowledged that the notion of sovereignty⁵ results from the consent of a unified people, Montesquieu asserted that society is governed in conformity with the laws of divine origin, but that this law is generally known on earth because of human reason and must be variable to allow for man's inability to conquer ignorance and error. Throughout Montesquieu's discussion, the concept of some form of relationship between the governor and the governed is maintained.⁶

In the early Middle Ages this relationship was considered one directly between a person and his creator. Later, with the rise of monarchical states, a person's loyalties were to his king, the representative of divine will. The House of Lords, in 1689, agreed that there was an original contract between the king and the people, and that since the king had violated his part of the contract, the people were justified in deposing him, with the result that William and Mary ascended the throne. The divine right

⁴ 1 C. MONTESQUIEU, *L'ESPRIT DES LOIS* (1748).

⁵ For a further discussion of this issue, see F. Ralabate, *The Nature of Sovereignty* (unpublished papers of the Constitutional Convention Commission, Hall of Records at Annapolis, 1967).

⁶ See W. WILLOUGHBY, *AN EXAMINATION OF THE NATURE OF THE STATE* (1896).