

Republicanism

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Republicans and regicides

Thomas Hobbes signs off the Review and Conclusion appended to *Leviathan* by invoking a superstition of exactly the kind that the work was intended to dispel. He fears that the moment of *Leviathan*'s publication – late April or early May 1651 – is inauspicious since 'in the revolution of States, there can be no very good Constellation for Truths of this nature to be born under, (as having an angry aspect from the dissolvers of an old Government, and seeing but the backs of them that erect a new;)'. Just as *Leviathan* literally enters the world under the sign of Gemini in the spring of 1651, so metaphorically the birth of the English republic is a time when politics faces two different ways. To dismiss the metaphor as merely an ironic flourish, however, would be to overlook the fact that Hobbes had surveyed 'divers English Books lately printed' before concluding that 'much of that Doctrine, which serveth to the establishing of a new Government, must needs be contrary to that which conduced to the dissolution of the old' (Hobbes 1996: 484, 489, 491).

Modern scholars have often followed Hobbes's lead in assuming a fundamental difference of outlook between the regicides and the republicans. For them too it seems that gazing upon the 'angry aspect' of the regicides means only seeing the back of the republicans, while looking the republicans in the face means occluding their view of the regicides. Thus John Morrill insists that 'the English revolution saw a violent act carried out by a fairly isolated band of well-placed soldiers and civilians, mainly driven by religious fanaticism (the regicides) which gave rise to a political programme supported by a wider and more pragmatic group (the republicans)' (Morrill: 23). This takes Hobbes's point about the two separate cadres and superimposes a further antithesis (also to be found in Hobbes) between reason and passion. And the same contrast between republican rationality and regicidal irrationality is implicitly being invoked when Blair Worden explains that many republicans opposed the regicide because they saw in it 'the victory not of their principles but of brute force' (Worden 1991: 456).

Another characteristic highlighted in these accounts is the republicans' tendency to react to what others did rather than take the initiative themselves. The prime example is the regicide. According to Perez Zagorin, if republicanism is defined as 'a doctrinaire antagonism to all forms of kingship', then those 'who created the revolutionary government were not, for the most part, republicans. They put Charles I to death, not out of an antagonism to kingship, but because they had concluded that no other alternative was left them' (Zagorin: 146, 148). Although republicans such as Sir Henry Vane the younger and Algernon Sidney were prepared to join the Rump – the Commonwealth regime that was in power from 1649 until dismissed by Cromwell and the Army in April 1653 – their achievements were limited. As Worden points out, the Rump

was the remnant of the ancient constitution, not a replacement of it. In so far as it introduced a republican form of government it did so by default, not by design. There was no king in the Rump period, but no republican constitutional architecture either. English republicanism of the 1650s is consequently more often a criticism of the English republic than an endorsement of it. (Worden 1995: 169)

The republicans thus forged their political identity in opposition to the coup that dissolved the Rump, to Cromwell's engrossing of power to himself as Protector from December 1653 onwards, and to the continued domination of politics by the Army. Only in 1656, when Cromwell summoned the second parliament of his Protectorate, did the republicans find their collective political voice.

It is generally agreed that republican ideology too was shaped by events more than it shaped them. 'English republican theory', we are told, 'was far more the effect than the cause of the execution of the king in 1649' (Pocock and Schochet: 147). Even after the event, the theory was slow in developing. Jonathan Scott has drawn up a list of 'key republican texts' from Milton's *The Tenure of Kings and Magistrates* (1649) to Algernon Sidney's *Discourses Concerning Government* (published posthumously in 1698), but finds that none of those in the first wave, such as Milton's *Tenure* or Marchamont Nedham's *The Case of the Commonwealth of England Stated* (1650), 'amounts to much as a positive statements of republicanism. In this respect they are limited, defensive. Their objectives are justification and

submission' (Scott: 37, 40). Only when the Rump's apologists felt emboldened by the defeat of the royalists at Worcester in September 1651 did they switch from defending the regime in *de facto* terms to asserting republican principles (see Pocock and Schochet: 160). However, the main spur to the 'republican speculation' of the 1650s was not so much the struggle against the Stuarts as the 'impermanence of the successive improvised regimes of the Interregnum' which replaced it (Worden 1990: 226). Here too the consensus is that republican thought only finally came of age with a wave of anti-Cromwellian works in 1656 which included Nedham's *The Excellencie of a Free State*, Sir Henry Vane's *A Healing Question Propounded*, and James Harrington's *Oceana*.

Looked at in this light, Milton's republican credentials appear less than convincing. Whenever republicans were driven into opposition by events – the Army's purge of the Long Parliament in December 1648, the regicide, the dissolution of the Rump, Cromwell's elevation to Protector – Milton would cleave to the powers that be. When the Rump needed support immediately after the regicide, Milton urged adherence 'to the present Parliament & Army' in *The Tenure* (Milton 1953-82, 3: 194; edition hereafter cited by volume and page number only, except where otherwise stated). When it required defending on the international stage, he produced *Pro Populo Anglicano Defensio* (1651). And when the Protectoral regime was establishing itself early in 1654, he furnished a panegyric upon Cromwell in *Defensio Secunda* (see Worden 1998). Only in the last few months of Cromwell's rule did he begin to distance himself from the Protectorate, disowning it altogether once Cromwell was dead (see Woolrych 1974; Worden 1995; Dzelzainis 1995b; Armitage 1995; and Knoppers, this volume). And only in a flurry of published and unpublished works shortly before the Restoration did he express opposition to monarchy in terms approaching the unequivocal.

However, the extreme belatedness of Milton's conversion to doctrinaire republicanism is merely one part of the problem. The other is how he managed to make this conceptual leap at all if, as Thomas Corns claims, there is 'little in his vernacular writings of 1649 and almost nothing in his Latin defences to show that Milton actively sought to argue for the English republic in terms derived either from classical models or from Machiavellian political theory' (Corns 1995: 26). Before addressing these questions, however, we need to consider two further points. The first is that there is in fact no consensus among students of the early modern period about

what if anything constitutes the core of republicanism, only a number of competing definitions. And the second is that our view of Milton's republicanism will vary according to which of them we adopt. For this will determine whether the task of understanding Milton's republicanism is, say, one of establishing the exact moment at which Milton subscribed to some crucial piece of dogma, rather than, say, one of tracing how a commitment to republicanism in some broader sense manifested itself in his writings over time.

Milton and republicanism

The most important and clear-cut of the competing definitions is the doctrinaire view that to be a republican requires nothing less than outright opposition to the institution of monarchy as such. Milton's more usual position of maintaining that what he opposes is not kingship *per se*, but tyranny, falls short of this requirement in that it theoretically leaves the door open to non-tyrannical monarchy (see Worden 1990: 228; Corns: 33). But in the sequence of published and unpublished works he wrote between the autumn of 1659 and the spring of 1660, Milton expresses hostility not only to Stuart tyranny in particular but to monarchy in general, and not only to monarchy but also – adopting the republican jargon for kings, protectors, dictators and the like – to the rule of any “single person” whatsoever. Thus in *A Letter to a Friend* (October 1659) he insists on ‘the Abjuracion of a single person’, or, as he puts it by way of rhetorical variation, ‘the abjuracion of Monarchy’. In *Proposalls of Certaine Expedients* (October-December 1659) he urges the Parliament and Army to declare themselves ‘against single government by any one person in cheif’. And in the first edition of *The Readie & Easie Way to Establish a Free Commonwealth* (February 1660) he proclaims his confidence that ‘all ingenuous and knowing men will easily agree with me, that a free Commonwealth without single person or house of lords, is by far the best government’ (7: 330, 331, 336, 364; see also 332, 337, 361, 362, 368, 393, 427, 429, 432).

Milton's new-found intransigence extends to reproving other republics for failing to exorcise every vestige of a single person from their bodies politic. The Venetians still retained a Doge as the pinnacle of their republican constitution while the Dutch, despite having abolished the supreme office of Stadholder, traditionally reserved for the head of the House of Orange (Nassau), were still overshadowed by

the Orange dynasty itself. In the first edition of *The Readie & Easie Way*, Milton accordingly urges the English to reject 'he fond conceit of a something like a duke of *Venice*, put lately into many mens heads, by som or other suttly driving on under that prettie notion his own ambitious ends to a crown'. This is the only way to ensure that, unlike the United Provinces, 'our liberty shall not be hamperd or hoverd over by any ingag'ment to such a potent family as the house of *Nassaw*, of whom to stand in perpetual doubt and suspicion, but we shall live the cleerest and absolutest free nation in the world' (7: 374-5; also 446).

It is striking, however, that while Milton urges pure republicanism upon others, some of his own thinking still appears unreconstructed. The clearest instance is the passage in the first edition of *The Readie & Easie Way* where he declines to rule out the possibility of a monarch governing in the public interest:

I denie not but that ther may be such a king, who may regard the common good before his own, may have no vitious favourite, may hearken only to the wisest and incorruptest of his Parlament: but this rarely happ'ns in a monarchie not elective; and it behoves not a wise nation to committ the summ of thir well-being, the whole of thir safetie to fortune. And admitt, that monarchy of it self may be convenient to som nations, yet to us who have thrown it out, received back again, it cannot but prove pernicious (7: 377-8)

The suggestion is framed in terms of a string of conditions likely to be met, if at all, only by an elective monarch, who is convenient, if at all, only for some nations, though not the English. However, even if we allow that Milton is only raising the possibility in theory to show that it is out of the question in practice, it still runs counter to his main argument. Reviewing the passage for the second edition (April 1660), Milton decided it was too concessive and effectively cancelled it by wedging an addition of more than 350 words between the two sentences. The new material warns against becoming 'the slaves of a single person' and culminates in the remarkable assertion that 'a single person, [is] the natural adversarie and oppressor of libertie, though good' (7: 448, 449). That is to say, even if the single person by whom you are ruled happens to be someone who is 'good' (in the sense of regarding the public interest, dispensing with vicious favourites, and so on), he will nevertheless endanger your liberty simply by virtue of being *what* he is: a single person.

This may sound like rhetorical over-compensation, but it is arguable that Milton means exactly what he says, and, if so, it represents the high-water mark of his republicanism. Equally, it demonstrates how exacting the doctrinaire definition is. For there are several figures usually thought of as republicans – Henry Neville and Sidney, for example, as well as Milton – who cannot strictly be counted as such because of their willingness at times to contemplate some form of accommodation with monarchy. Even Machiavelli, the key figure in the renaissance revival of republican thought, occasionally suggests that it may be possible for a community to live a free life under the rule of a king (see Skinner 1998: 54-5).

Those who prefer a less exclusive definition suggest that what forms the core of republicanism is not outright opposition to monarchy but a commitment to mixed government, in which a monarchical element is combined with aristocracy and democracy. Originally formulated by Plato and Aristotle, and popularized by Polybius, the classical theory that the best form of government consists of a balance between the one, the few and the many had achieved the status of a commonplace by the early sixteenth century, from which time it was frequently rehearsed by English humanists (see Peltonen). Milton was completely familiar with the theory. In *Of Reformation* (May 1641), he drew on Polybius and Sir Thomas Smith's Aristotelian account of mixed government in *The Commonwealth of England*, to declare that

the best founded Commonwealths, and least barbarous have aym'd at a certaine mixture and temperament, partaking the severall vertues of each other State, that each part drawing it to it self may keep up a steddy, and eev'n uprightnesse in common. There is no Civill Government that hath beene known, no not the *Spartan*, not the *Roman*, though both for this respect so much prais'd by the wise *Polybius*, more divinely and harmoniously tun'd, more equally ballanc'd as it were by the hand and scale of Justice, then is the Common-wealth of *England*: where under a free, and untutor'd *Monarch*, the noblest, worthiest, and most prudent men, with full approbation, and suffrage of the People have in their power the supream, and finall determination of highest Affaires.(1: 599;see 1: 442)

Ten years later, when Milton's royalist opponent, Salmasius, suggested that the theory was a novelty espoused by the 'parricides', he again cited Aristotle and Smith to underline how orthodox it was (4: 476).

The model referred to most often in discussions of mixed government was Venice. A succession of republican theorists applauded the exquisite balance the Venetians had achieved between the Doge, the Senate, and the *Consiglio Grande*, as well as the elaborate constitutional machinery by which it was preserved (see Pocock 1975). The English republican most interested in the model was undoubtedly James Harrington, but Milton too thought Venice was one of 'the greatest and noblest Commonwealths' (7: 370; also 436). Indeed Zera S. Fink has suggested that the theory of the mixed state was 'the guiding principle', from which Milton never deviated 'throughout the whole period from 1640 to 1660'. The first question Milton asked of any political arrangement was how well it realized the ideal of a mixed state. Thus when he eventually rejected not only monarchy but 'all single-person magistracies', the reason why he did so in the first instance was because they had proved not to be 'a satisfactory representative of the monarchical or magisterial element in the state', a role Milton now thought should be performed by a council of state (Fink 1962: 103-04, 109, 120).

However, the proposition that Milton saw politics entirely through the lens of this theory is unconvincing. It would mean, for example, that when Milton turned against the Protector for displaying monarchical tendencies, it was actually because these tendencies made him less suitable to represent the monarchical element in the state. Nor can the claim that Milton was unwavering in his attachment to the mixed state be maintained except by special pleading. Fink admits that, having rejected 'even mere figureheads', the 'one thing Milton would not borrow from Venice was the doge', but maintains that this did not lead him to abandon the Venetian model altogether. Milton was able to avoid taking this step, he suggests, because the council of state proposed in *The Readie & Easie Way* bears 'a striking general likeness to the Venetian council', and that this body, not the Doge, 'was the real magistracy of the state' – obviously a case of forcing the model to conform to Milton rather than demonstrating how Milton conformed to it (Fink 1962:110n.).

The theory of the mixed state was moreover so widely disseminated that it cannot be identified exclusively – or even especially – with the republicans. According to Sir Robert Filmer, in *The Anarchy of a Limited or Mixed Monarchy*

(1648), even the 'meanest man of the multitude' believed that 'the government of the kingdom of England is a limited and mixed monarchy', attributing this to the fact that both 'the pulpit and the press do tend and end in this confusion' (Filmer: 133).

Similarly, when examining the rights of the sovereign in *Leviathan*, Hobbes declared that, but for the 'opinion received of the greatest part of *England*, that these Powers were divided between the King, and the Lords, and the House of Commons', there would never have been a civil war (Hobbes 1996: 127). When writing *Behemoth* in 1668, he still blaming 'the whole nation' for having been 'in love with *mixarchy*, which they used to praise by the name of mixed monarchy, though it were indeed nothing else but pure anarchy' (Hobbes 1990: 116-17).

Revealingly, however, Hobbes is not attacking the parliamentarians here but responding to a question about the culpability of the king's advisers. His targets were Sir John Colepepper and Viscount Falkland, who in June 1642 issued *His Majesty's Answer to the Nineteen Propositions* in which – astonishingly – they accepted that England was governed by a mixture of 'absolute monarchy, aristocracy and democracy' that combined 'the conveniences of all three, without the inconveniences of any one, as long as the balance hangs even between the three estates' (Kenyon 1976: 21). Their aim in adopting the opposition's idiom was to re-establish the king and his veto as part of the legislative process and so prevent the practice of issuing ordinances in the name of the Lords and Commons alone. The price of this *démarche* was accepting that the king was no longer above three estates consisting of the commons in one house and the lords and bishops in another, but merely co-ordinate with the commons and the lords (minus the bishops, who had been excluded earlier in the year). In the *Anarchy*, Filmer was attacking Philip Hunton whose *Treatise of Monarchie* (1643) became 'the *locus classicus* for the idea of a mixed monarchy in England during the 1640s and 1650s' (Tuck: 235). However, Hunton was no republican but a Presbyterian. From the start of the conflict, the aim of the English Presbyterians and their Scottish allies had been twofold: to establish a Calvinist system of church government, and then, by establishing a mixed monarchy, to lock the system into place politically. Hunton was a systematic thinker, unlike Milton, but *Of Reformation* emerged from broadly the same ideological milieu, and so constituted a demonstration of Presbyterian sympathies rather than any republican leanings.

Given these complications, it is hardly surprising that several commentators have concluded that republicanism eludes any attempt at formal definition. The

tradition, they argue, is essentially 'a moral one, opposing the moral qualities of virtue to vice, reason to passion, liberty to tyranny' (Scott: 47). What republicans cleave to is not some or other doctrine, but, more broadly, 'a politics of virtue' (Worden 1994: 46). Milton is typical in displaying 'a high degree of indifference with regard to constitutional forms' (Dzelzainis 1995a: 19). For him, 'form counts for much less than spirit' (Worden 1995: 170). His republicanism is in consequence 'more an attitude of mind than any governmental configuration', and manifests itself in the 'eloquent rehearsal, not of republican argument, but of republican values' (Corns: 27, 41).

However, if the key to understanding Milton's republicanism is his commitment to a politics of virtue, then it is hard to see 1649 as a watershed. For the outline of this politics is already visible in the pamphlets he wrote in the mid-1640s. *Of Education* (June 1644) draws on the analysis of fortitude in Cicero's *De officiis* as the foundation of a curriculum designed to produce students who will be 'stedfast pillars of the State', while *Areopagitica* (November 1644) is in one sense an essay on temperance, by which Milton means the responsibility for 'managing' one's own life – especially 'the dyeting and repasting of our minds' – which God commits to 'every grown man' (2: 398, 513). But Milton's thinking had taken this turn even before the Civil War broke out, to judge from an entry in the *Commonplace Book* citing Machiavelli's *Dell'Arte della Guerra*:

Respub. regno potior. perche delle repub. escano piu huomini eccellenti, che de regni. perche in quelle il piu delle volte si honora la virtù, ne regne si teme. [A republic is preferable to a monarchy: 'because more excellent men come from republics than from kingdoms; because in the former virtue is honoured most of the time and is not feared as in monarchies'.] (Milton 1931-8, 18: 164; 1: 421 (adapted))

As Milton was aware, however, Machiavelli owed this insight to the classical historian Sallust, whose *Bellum Catilinae* opened with a moral analysis of Rome's rise to greatness. The crucial moment was 'when the rule of the kings, which at first had tended to preserve freedom and advance the state, had degenerated into a lawless tyranny' ('ubi regium imperium, quod initio conservandae liberatatis atque augendae rei publicae fuerat, in superbiam dominationemque se convortit'), since this prompted

the Romans to expel them and change their government to a republic. As soon as the city had gained its liberty it began to flourish because the citizens were now willing and able to place their talents at its disposal whereas previously they were inhibited from doing so by kings, who 'hold the good in greater suspicion than the wicked, and to whom the virtue of others is always fraught with danger' ('Nam regibus boni quam mali suspectiores sunt semperque eis aliena virtus formidulosa est') (Sallust: 12-13 (VI.7; VII.2)). For Sallust, as for Machiavelli and Milton (who placed both these sentences from *Bellum Catilinae* on the title page of *Eikonoklastes* (October 1649)), liberty was the key to a flourishing state.

This stratum of Milton's thought stands in particular need of further excavation. For it holds out the best hope of recovering the values and concepts that connect his early writings to his later ones and that also form a link between him and other supporters of the Commonwealth like Nedham and Sidney. Perhaps the most important of these shared assumptions are those relating to what Quentin Skinner has recently called the neo-roman theory of liberty.

Milton and the neo-roman theory of liberty

Although the formula "neo-roman" is obviously anachronistic, there are good reasons for persisting with it. The first is that it serves to underline the point that the theory was not associated exclusively with any of the versions of republicanism we have just been examining, but was espoused both by doctrinaire republicans and by those willing to contemplate an accommodation with monarchy (see Skinner 1998: 55n177). The second is that it straightforwardly registers the fact that this theory was a revival and adaptation of one originally developed by classical moralists and historians working within the conceptual framework of the Roman law of persons (see Skinner 1998: 38-44). The legal literature relating to private law was eventually codified by order of the Emperor Justinian in the sixth century – comprehensively in the *Digest* and in simplified textbook form in the *Institutes*, the latter being the version in which Milton studied it.

The opening titles of the first book of the *Institutes* set out what it means to be free and unfree (see Justinian: 13-26). According to the law, you are either free and therefore possess a natural ability to do what you please unless prohibited in some way, or you are a slave and therefore subject to the dominion of – which is to say you

are owned by – someone else (I. 3, 'De iure personarum' ('On the law of persons')). There is no intermediate status: 'all persons are slaves or free' ('omnes homines aut liberi sunt aut servi'). In the latter case, this is either because they are free born and so have never been slaves (I. 4, 'De ingenuis' ('On free born persons')), or because they are freedmen or freedwomen who were once slaves but have been released from servitude by manumission (I. 5, 'De libertinis' ('On freedmen')). However, the slave's lack of freedom cannot simply consist in being physically coerced by the master whose property he or she is; after all, a slave working as a secretary might never receive the kind of ill treatment routinely inflicted on a farmhand. Their lack of freedom should rather be seen as a corollary of their legal condition, as set out in the title 'On those who are independent and dependent' (I.8: 'De his qui sui vel alieni iuris sunt'). This makes the important distinction between those who are 'within their own jurisdiction' ('sui iuris'), and those who are 'subject to the jurisdiction of another' ('alieni iuri subjectae'). Again, there is no intermediate position: either you have jurisdiction over another (or at least over your self), or you are within the jurisdiction of someone else. Thus the children of Roman citizens are at all times 'in the power of their parent' ('in potestate parentum'), while slaves are at all times 'in the power of their master' ('in potestate dominorum'). As Skinner points out, this allows us to resolve 'the apparent paradox of the slave who manages to avoid being coerced'; since they are nevertheless in their master's power, they 'remain subject to death or violence at any time'. 'The essence of what it means to be a slave, and hence to lack personal liberty, is thus to be *in potestate*, within the power of someone else' (Skinner 1998: 41).

This understanding of freedom and slavery informs the work of all the writers we have been considering so far, whether they were republicans in the strict sense or not. In Milton's case, this dates (at least) from his reading of Roman law in the early 1640s. The *Commonplace Book* has several entries from the *Institutes* on 'what lawyers declare concerning liberty and slavery' (1: 470; see 410, 411, 471). But he appears also to have worked his way carefully through the rest of Book I, paying particular attention to later titles dealing with persons who, although *sui iuris*, were nevertheless deemed incapable of managing their own affairs for one reason or another. Thus 'De tutelis' (I. 13, 'On guardianships), considers the case of those who, though 'not within someone else's power' ('in potestate non sunt'), are 'under a guardian' ('in tutela') or 'under a curator' ('in curatione'). Boys and girls 'below the

age of puberty' ('*impuberes*') can be designated the 'wards' ('*pupilli*' or '*pupillae*') of a tutor who supervises their affairs, while, as is explained in 'De curatoribus' (I. 23, 'On curators'), those who have reached puberty but nevertheless lack the mental capacity to manage their own lives can have a curator appointed to act as their substitute (Justinian: 43, 53, 56).

The clearest evidence for Milton's interest in these legal arrangements, in addition to the broader topics of freedom and slavery, is found not in the *Commonplace Book* but in *Areopagitica*, his attack on the parliamentary Licensing Order of June 1643. Halfway through the work, Milton changes his angle of attack on the Order 'from the no good it can do, to the manifest hurt it causes'. Its most damaging effect is the 'discouragement and affront' it offers 'to learning and learned men', by which he means 'the free and ingenuous sort of such as were evidently born to study' (2: 530-31). Milton's choice of terms is precise; his primary concern is with the impact of the Order on those who are not slaves but *ingenui*: free born adult men. What he predicts is that system of licensing prior to publication will turn these *ingenui* into *servi* (slaves).

It is true that Milton does not begin by putting the point in these stark terms. Rather he suggests that authors fall into the category of those who are nominally *sui iuris* but are actually treated as if they were under age (*impuberes*) or otherwise incompetent to exercise their rights. Certainly, those in favour of licensing do not 'count him fit to print his mind without a tutor and examiner'. But in this case, he asks,

What advantage is it to be a man over it is to be a boy at school, if we have only scapt the ferular, to come under the fescu of an *Imprimatur*? if serious and elaborat writings, as if they were no more then the theam of a Grammar lad under his Pedagogue must not be utter'd without the cursory eyes of a temporizing and extemporizing licenser. (2: 531)

Like a schoolboy, the author is 'not trusted with his own actions'. Although he may be prepared to take full responsibility for his work by 'standing to the hazard of law and penalty', he will not be allowed to do so and in consequence will have no reason 'to think himself reputed in the Commonwealth wherin he was born, for other then a fool or a foreiner'. Under this regime, no writer can hope to produce 'proof of his

abilities' sufficient to be elevated to 'that state of maturity, as not to be still mistrusted and suspected'. Instead, he is far more likely to be forced to 'appear in Print like a punie with his guardian', bearing a licence from the censor to prove 'that he is no idiot'. Nor can any serious reader respect writings produced 'under the tuition, under the correction of his patriarchal licencer'. What Milton hates most of all is 'a pupil teacher', a figure who in terms of Roman law embodies a complete paradox – a would-be 'instructor' who is himself still 'under the wardship of an overseeing fist'. In short, what the Order systematically brings about is the infantilization of the author, leaving him in a condition of legal disability which is little short of 'servitude like that impos'd by the Philistims', an 'undeserved thraldom upon learning' and a 'second tyranny over' it (2: 532-3, 536, 539).

It is important to stress, however, that no actual censoring of texts need take place for the system to have this enslaving effect. Our liberty is of course diminished to the extent that we are interfered with or coerced, but this is not the only way in which we can become unfree: we also forfeit our liberty whenever we find ourselves dependent on the continued goodwill of others for the enjoyment of our rights. Accordingly, as Skinner remarks, 'it is the mere possibility of your being subjected with impunity to arbitrary coercion, not the fact of your being coerced, that takes away your liberty and reduces you to the condition of a slave' (Skinner 1998: 72). The reason why Milton objects so strongly to pre-publication censorship therefore is that it leaves the author's freedom to publish entirely at the discretion of the licencer. How that discretion may happen to be exercised is beside the point. While it is of course deplorable if your work is altered against your wishes, you are actually no better off if the licencer passes your text unchanged, because the fact that you are still dependent on his will, even if he shows no inclination at present to exert his powers and may never do so, is in itself enough to nullify your freedom. For the danger is that such a condition of dependency will inevitably constrain your behaviour, leading to self-censorship and the production of what Milton (citing Francis Bacon) calls '*such authoriz'd books*' that speak nothing '*but the language of the times*' (2: 534).

Milton in 1649

We can now approach some of Milton's writings in 1649 with an eye to unearthing whatever continuity they exhibit with his neo-roman theorizing earlier in the decade.

This admittedly runs counter to the usual procedure, which is to begin in 1649 with Milton the regicide and then chart his progress on the road to republicanism over the following decade. But while this procedure undoubtedly chimes with the theme of belatedness which features so strongly in many accounts of republicanism, it does little to explain why Milton should have been in the revolutionary vanguard in 1649.

In the space of twenty-four months between 1649 and 1651, Milton wrote four works; *The Tenure of Kings and Magistrates*, *Observations upon the Articles of Peace*, *Eikonoklastes*, and *Pro Populo Anglicano Defensio*. However, he was an inveterate reviser, and they eventually yielded no fewer than eight texts between them (ten if you include French and Dutch translations). Surprisingly, however, the precise sequence in which these texts were published has still not been established: in particular, we do not know whether the second edition of *The Tenure* came before or after the first edition of *Eikonoklastes*, or whether the second edition of *Eikonoklastes* came before or after the *Defensio*. To complicate matters further, there is the vexed question of the date of the Digression to the third book of *The History of Britain* (first published in 1670, although the Digression itself remained unpublished in Milton's lifetime). Milton later claimed that he wrote most of the first four books of the *History* (and hence presumably the Digression) between publishing *The Tenure* in February 1649 and taking up his post as one of the secretaries to the Council of State the following month. Although the Digression has been dated to 1660, there is a strong case for taking Milton's account at face value (see Woolrych 1993 and von Maltzahn 1993). Assuming therefore that the Digression does belong to the weeks between the execution of the king and the Acts abolishing the office of king and the House of Lords in mid-March, what does it tell us about Milton's perspective on the revolution in progress?

At the start of Book III of the *History*, Milton took up the story of what happened to the fifth-century Britons in the aftermath of the Roman withdrawal and the end of 'imperial jurisdiction' over them. With recent events in mind, he saw an opportunity for comparing 'that confused Anarchy with this intereign', and the parallels he found between 'two such remarkable turns of State' formed the basis of the Digression (5: 129-30). The problem he set himself was

to consider what might bee the reason, why, seeing other nations both antient and modern with extreame hazard & danger have strove for libertie as a thing

invaluable, & by the purchase thereof have soe enobl'd thir spirits, as from obscure and small to grow great and eminent commonwealths, why the Britans having such a smooth occasion giv'n them to free themselves as ages have not afforded, such a manumission as never subjects had a fairer, should let it pass through them as a cordial medicin through a dying man without the least effect of sence or natural vigor. (5: 441)

For sheer richness and density of historical reflection, this is a passage which is almost unequalled anywhere in Milton's prose. Worden rightly sees in it an allusion to Machiavellian *occasione* – the opportunity that must be seized if liberty is not to be lost (Worden 1990: 233-5). However, Milton also draws upon Sallust and the Roman law for his analysis. His account of the ennobling effects of liberty is clearly derived from Sallust's account of the birth of the Roman republic when the expulsion of the Tarquins freed men of virtue from the suspicions under which they had laboured: 'the free state once liberty was won, waxed incredibly strong and great in a remarkably short time, such was the thirst for glory that had filled men's minds' ('Sed civitas incredibile memoratu est adepta libertate quantum brevi creverit; tanta cupido gloriae inceserat') (Sallust: 12-15; VII.3). Another of Milton's phrases, 'from obscure and small to grow great and eminent commonwealths', appears to be taken directly from Sallust's rendition of a speech by Cato in which he tells the Senate not to 'suppose that it was by arms that our forefathers raised our republic from obscurity to greatness' ('Nolite existumare maiores nostros armis rem publicam ex parva magnam fecisse') (Sallust: 104-05; LII.19). Cato's message that martial spirit counts for less than moral virtues such as industry and justice is echoed later in the Digression when Milton's despairingly analyses the failure of the ancient and modern Britons to make the most of liberty:

To other causes therefore and not to want of force, or warlike manhood in the Britans both those and these lately, wee must impu[te] the ill husbanding of those faire opportunities, which migh[t] seem to have put libertie, so long desir'd, like a brid[le] into thir hands. (5: 443)

Finally, it is also clear from the reference to 'manumission' that Milton's account of these 'remarkable turns of State' is partly framed in terms of the private law of

persons. The Britons, ancient and modern alike, are thus *libertini*, freedmen who have been released from servitude and are now 'masters of thir own choise' (5: 441). Milton spells out the point at the end of Book II when he cites a letter from Honorius which 'acquits' the Britons 'of the *Roman* jurisdiction', and again at the start of Book III when he emphasizes that 'the imperial jurisdiction departing hence left them to the sway of this own Councils'. In short, the Britons were no longer *alieni iuri* ('within the jurisdiction of another') but *sui iuris* ('within their own jurisdiction'), and hence free.

The great theme of the Digression – that 'the gaining or loosing of libertie is the greatest change to better or to worse that may befall a nation under civil government' – is also central to the neo-roman project and it is therefore hardly surprising that Milton should bring so much of its conceptual arsenal to bear. Does this also set it apart from his other works. Although Worden may be right in saying that Milton 'could express himself more freely in his unpublished writings', it would be a mistake to suppose that there is a categorical separation between these writings and those he published under the Commonwealth (Worden 1990: 231). For example, in the *Defensio* he again observes that 'after the Romans departed, for about forty years the Britons were *sui iuris*, and without kings' ('Post Romanorum ex insula discesum sui juris Britanni circiter annos 40. sine regibus fuere') (Milton 1931-8, 8: 434-6). This is, if anything, even more pointed in its assertion that to be *sui iuris* is simply to be without kings. Moreover, the conceptual arsenal was largely in place before Milton broke his four-year silence with *The Tenure*, a work that in any case precedes and informs the Digression. Thus Milton opens *The Tenure* by paraphrasing Sallust: tyrants do not fear 'bad men, as being all naturally servile', but direct 'all thir hatred and suspicion' against those 'in whom vertue and true worth most is eminent' (3: 190). He also invokes the moment when the Romans 'quitted and relinquishd what right they had' to the Britons who were thereby 're-invested with thir own original right' (3: 221). And, finally, he elects to analyze public issues in terms of private law:

they that shall boast, as we doe, to be a free Nation, and not have in themselves the power to remove, or to abolish any governour supreme, or subordinat, with the goverment it self upon urgent causes, may please thir fancy with a ridiculous and painted freedom, fit to coz'n babies; but are indeed

under tyranny and servitude; as wanting that power, which is the root and source of all liberty, to dispose and *oeconomize* in the Land which God hath giv'n them, as Maisters of Family in thir own house and free inheritance. Without which natural and essential power of a free Nation, they can in due esteem be thought no better then slaves and vassals born, in the tenure and occupation of another inheriting Lord. Whose goverment, though not illegal, or intolerable, hangs over them as a Lordly scourge, not as a free goverment; and therefore to be abrogated. (3: 2367)

The distinction underlying the passage is the familiar one between those who are *sui iuris* ('a free Nation', 'Maisters of Family') and those who are *alieni iuris* ('babies', 'slaves' and 'vassals'). On this occasion, however, Milton's commitment to the neo-roman theory of liberty leads him on to a remarkably subversive conclusion. As we saw earlier, no actual coercion but the mere possibility of being subjected to it is sufficient to enslave you. This thesis can however be turned back upon the master, for no matter how benign he may be in practice, it is impossible for him to erase the stigma of enslaving those whom he has in his power. Milton follows the same manoeuvre. What is crucial, he says, is being able to change your government, or any aspect of it, at will. For if you cannot do this, then the fact that it is 'not illegal, or intolerable' is irrelevant; you are in its power, and hence enslaved by it, and this alone is sufficient grounds for it 'to be abrogated'. At this point, therefore, Milton's quarrel is no longer with actual coercion in the form of tyranny but with the potential for enslavement which appears to be inherent in monarchical government as such.

Admittedly, the argument in *The Tenure* is far from transparent, and this may explain why Milton returned to it in *Eikonoklastes* when replying to the king's assertion that the subject's liberties solely consist '*in the enjoyment of the fruits of our industry, and the benefit of those Laws to which we our selves have consented*'. The view of liberty invoked here is a negative one, according to which liberty is purely a matter of not being interfered with or coerced by others. The point Milton seizes on, and satirizes, is that if not being interfered with in the enjoyment of your property is all that counts, then it becomes impossible to differentiate between political regimes:

First, for the injoyment of those fruits, which our industry and labours have made our own upon our own, what Privilege is that, above what the *Turks*,

Jewes, and *Mores* enjoy under the Turkish Monarchy? For without that kind of Justice, which is also in *Argiers*, among Theevs and Pirates between themselves, no kind of Government, no Societie, just or unjust could stand; no combination or conspiracy could stick together. (3: 574)

The king's offer was inadequate from the neo-roman point of view because, in order to remain free, it is not enough to avoid being interfered with; we must also avoid being dominated by the capacity for arbitrary power. This is what Milton means by his reply to the king: 'We expect therefore something more, that must distinguish free Government from slavish' (ibid.). The 'something more' involves nothing less than the surrender of all the discretionary powers which, in the view of the neo-roman theorists, had allowed Charles to coerce his subjects with impunity and hence reduce them to the status of slaves. Chief among them was the power of the veto which, Milton complains, Charles had arrogated to himself 'as the transcendent and ultimate Law above all our Laws; and to rule us forcibly by Laws to which our selves did not consent' (3: 575).

Milton made his point rather more crisply on the title page of *Eikonoklastes* in the form of a third epigraph from Sallust (the first edition in fact failed to specify the work and quoted loosely, but Milton had corrections made for the second edition). It was taken from a speech by the tribune Gaius Memmius in *Bellum Iugurthinum*:, where he sums up a series of outrageous abuses of power with the observation that 'to do with impunity whatever one pleases is to be a king' ('Nam impune quae lubet facere, id est regum esse') (Sallust: 204-05 (XXXI. 26)). The crucial thing here is that acting with impunity is not being held out as a perversion of kingship but as the very essence of it. The upshot is that in *Eikonoklastes*, even more clearly than in *The Tenure*, Milton's quarrel is with integral aspects of monarchy as such.

It does therefore appear that there are fundamental continuities in Milton's thought which mean that the radicalism he displays in 1649 is not the altogether unheralded phenomenon it is sometimes taken to be. Nor does he seem conceptually impoverished in the (alleged) absence of a republican ideology. Nor is there an unbridgeable gap between what he was saying in 1649 and what he was saying in 1659. For when we turn to *The Readie and Easie Way*, we find him advancing familiar arguments in a familiar idiom. Twenty years after he began to study the law

of persons, he found the definitive form of words to express the view that any adult must be impatient with monarchy:

And what madness is it, for them who might manage nobly thir own affairs themselves, sluggishly and we[a]kly to devolve all on a single person; and more like boyes under age then men, to committ all to his patronage and disposal, who neither can performe what he undertakes, and yet for undertaking it, though royally paid, will not be thir servant, but thir lord? how unmanly must it needs be, to count such a one the breath of our nostrils, to hang all our felicity on him, all our safetie, our well-being, for which if we were aught els but sluggards or babies, we need depend on none but God and our own counsels, our own active vertue and industrie (VII, 427; see also 362)

For those who are *sui juris* and so 'might manage nobly thir own affairs' to 'devolve' the responsibility 'on a single person' would be 'unmanly', to act 'more like boyes under age then men', in fact to regress to being 'babies'. A republic, Milton is saying, is the only form of government fit for adults.

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