

Studies in Renaissance Literature



Milton and the
Terms of Liberty

GRAHAM PARRY & JOAD RAYMOND
(eds.)

Studies in Renaissance Literature

Volume 7

MILTON AND THE TERMS OF LIBERTY

In his *Second Defence of the English People* (1654), John Milton identified 'three varieties of liberty without which civilized life is scarcely possible, namely ecclesiastical liberty, domestic or personal liberty, and civil liberty', while in his earlier writings he discerned a systematic exposition of the grounds of freedom, and a commitment to expanding its domain through publication and polemic. The essays in this collection, deriving from the International Milton Symposium at York, consider the conditions of liberty in Milton's prose and poetry, and the development of his republicanism; and they extend laterally to typologies of liberty, the realm of law, prosody, and religious faith and persecution.

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Proposals or queries should be sent in the first instance to Graham Parry at the address below, or to the publisher; all submissions receive prompt and informed consideration.

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Arms of the Commonwealth, from the title-page of Milton's *Pro Populo Anglicano Defensio* (1651).

MILTON AND THE TERMS OF LIBERTY

edited by
Graham Parry and Joad Raymond



D. S. BREWER

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INTRODUCTION

Every three or four years the International Milton Symposium assembles to discuss the current state of Milton studies, providing an occasion for scholars from all continents to meet and reaffirm the enduring importance of Milton to our understanding of the progress of poetry and politics during the most radical period of Britain's history. The Sixth Symposium met at York in July 1999. Milton never visited York – though an adventurous traveller abroad, he was reluctant to view his own country, and felt little need to leave the metropolis – but the prominence of York in the events of the Civil War made it an appropriate setting for a conference permeated by a consciousness of the political strife of the mid-seventeenth century. York was the centre of the King's government in the north. It was from York in April 1642 that King Charles marched to seize the strategic port of Hull, which resisted his entry and so made him aware for the first time that his authority could not prevail in his own kingdom. York remained the great royalist stronghold in the north until it was besieged in May 1644 by the armies of Sir Thomas Fairfax, the Earl of Manchester and the Scots under Lord Leven. The siege was raised by the arrival of Prince Rupert's army, but in the consequent confrontation at Marston Moor on 2 July 1644, the royalist armies of Rupert and Newcastle were comprehensively beaten by the Parliamentarians, who now had the decisive advantage of Oliver Cromwell's presence, and York fell to the victors. Royalist control of the north was lost for good. Fairfax prevented the pillage of York by the parliamentary armies, and he forbade the soldiers to touch the cathedral upon pain of death, thus preserving its monuments and stained glass from iconoclastic attack. York was the home of Fairfax, whose great townhouse was the principal private dwelling in the city, a few miles away from his country estate at Nun Appleton. Soon to become one of the parliamentary leaders most admired by Milton, his abilities became fully recognised when he was appointed Commander-in-chief of the New Model Army in 1645. Milton, like Andrew Marvell, had hopes that Fairfax would become the chief instrument in the creation of a just settlement after the end of the wars, for his integrity, 'his firm unshaken virtue', shone out in the later years of the 1640s. But Fairfax chose to cloister that virtue at Appleton House. His successor as the General of the Army, Cromwell, had associations with the York region too, and the members of the Symposium visited Newburgh Priory, the home of Cromwell's son-in-law, Thomas Lord Fauconberg. According to family

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legend, the remains of Oliver Cromwell are entombed at Newburgh, his mutilated body having been rescued from its degrading exposure at Tyburn in 1661 (on the anniversary of King Charles's execution), and smuggled out of London up to Yorkshire by Lord Fauconberg. Miltonists from around the world gazed with mingled scepticism and admiration at the brick bunker reputed to contain the bones of 'our chief of men'.

The setting for the Symposium reception was Castle Howard, a house that provided a symbolic contrast with the modest dimensions of Newburgh Priory with its Protectoral associations. Castle Howard is a palace, expressive of the epic aspirations of the restored Stuart aristocracy. As one approached the estate from the north, 'Anon out of the earth a fabric huge/ Rose like an exhalation.' With its dome and pillared splendour, it brought thoughts of Pandaemonium readily to mind. The hasty multitude of Miltonists entered, and the work some praised, and some the architect (Sir John Vanbrugh). Castle Howard was built for the third Earl of Carlisle, grandson of Charles Howard who had been the captain of Cromwell's bodyguard, and who was one of the two new peers created by Cromwell. (At the Restoration, this firmly of the Protector accommodated himself to the new regime, and in 1661 undertook an embassy to Muscovy with Marvell as his secretary.) The magnificence of this building served to remind the thoughtful spectator that under the renewed Stuart regime, so deplored by Milton, the nation was attaining heights of prosperity and power that were unimaginable in the years of the Commonwealth.

In the presence of these suggestive scenes with their ghostly reminders of Milton's time, academic papers and discussions were put into a chastening perspective. To talk, to illustrate, to criticise, all these exercises in verbal persuasion seemed ineffectual when set against the achievements and eventfulness of the mid-seventeenth century. But it is our fate to live in times when words not acts prevail, and when words do not lead to acts. Undeterred, however, by any impeding sense of living in an age too late, or in climate too cold, the modern admirers of Milton made their offerings to his memory with papers which, in their diversity and at times their intensity, demonstrated how animating the poetry, prose and life of John Milton continue to be in a world so greatly changed from that which he knew.

Themes which were prominent at the Symposium included Milton and the Millennium, Milton and Marvell, and Milton and the republican tradition. The Millennium, of course, was imminent in 1999. According to a common calculation of seventeenth-century chronologers, we were subsisting on the very edge of doom. The year A.D. 2000 would be the period of earth's history: 2000 years from Creation to the Flood, another 2000 from the Flood to the Incarnation, followed by 2000 years of Grace made up the span of time for mankind. We could, according to this belief, be amongst those who would 'never taste Death's woe', but still be living

when Christ returned in judgement. Milton was inclined to believe that due to man's ever deepening sinfulness, time would be foreshortened, and God would bring history to a premature close, maybe even in Milton's own time. Certainly the wars of religion all over Europe and the desperate struggle for further reformation in England led many to believe that these were ominous signs of the approaching end, and that 'the eternal and shortly expected King' was about to appear.

Milton's millenarian inclinations were most pronounced in the 1640s, when he shared the hopes and apprehensions of many of his contemporaries that some tremendous divinely-ordained event was about to manifest itself. The enraptured prophecy that concludes *Of Reformation in England* (1641) marks the high point of his expectations. He knows that God's hand is controlling history in his time, and working out his designs through his chosen people, the English. In a rapid recapitulation of national history from Roman times until the Reformation, when the land was freed from 'anti-christian thralldom', Milton records the remarkable deliverances of recent times, from the Armada and the Gunpowder Plot, that testify to God's continuing love of England, and foresees the mystical union of God and his chosen people. In a storm of apocalyptic imagery, he imagines 'this great and warlike nation, instructed and inured to the fervent and continual practice of truth and righteousness . . . press on hard to that high and happy emulation to be found the soberest, wisest, and most Christian people at that day, when thou, the eternal and shortly expected King, shalt open the clouds to judge the several kingdoms of the world'. All earthly tyrannies will be crushed, and Christ's 'universal and mild monarchy' shall be imposed. Those who have fought for reformation, who have been 'earnest for the common good of religion and their country', shall be transfigured into the spiritual aristocracy of the millennial state: they 'shall receive above the inferior orders of the blessed, the regal addition of principalities, legions and thrones into their glorious titles, and in supereminence of beatific vision, progressing the dateless and irrevoluble circle of eternity, shall clasp inseparable hands with joy and bliss, in overmeasure for ever'.

Similar convictions of impending fulfilment were expressed in *Animadversions upon the Remonstrant's Defence*, also published in 1641, where Milton expressed his conviction that he was living in 'an age of ages wherein God is manifestly come down among us'. He describes with awe 'the redoubled brightness of thy descending cloud, that now covers thy tabernacle', and asks 'Who is there that cannot trace thee now in thy beamy walk through the midst of thy sanctuary' (which is England)? 'Thy kingdom is now at hand, and thou standing at the door. Come forth out of thy royal chambers, O Prince of all the kings of the earth! put on the visible robes of thy imperial majesty, take up that unlimited sceptre which thy Almighty Father has bequeathed thee; for now the voice of thy bride calls thee, and all creatures sigh to be renewed.' It seems probable that Milton was precipitated into this euphoria of expectation

by the assembling of Parliament at the end of 1640, with all the hopes of reformation and renovation that were attendant on it. This mood of millennial optimism may have persisted until 1644, for traces of it are still discernible in *Areopagitica*, and Milton's friendship with Samuel Hartlib may have helped to sustain his hopes. If we believe that he started working on a history of Britain about 1645, then we must recognise a distinct decline in his belief that the English nation and divine Providence were converging in the great climacteric of world history.

Numerous Englishmen continued to believe that some momentous divine intervention would occur in the 1640s or 1650s: the return of Christ to judge and rule for a thousand years was a possibility that learned decipherers of the Book of Revelation speculated about. Joseph Mede, from Milton's college at Cambridge, calculated that 1654 would be a critical date in his *Clavis apocalyptica* (1627). James Ussher, in his *Annales veteris et Novi Testamenti* (1650 and 1654), had encouraged his readers to look warily at the year 1656, for in common with several earlier chronologers, such as Henry Isaacson, he had determined that the Flood occurred 1656 years after the Creation; so that, given the known fondness of the Deity for antitypes, parallelisms and neatly balanced events, the era of Grace might come to an end 1656 years after the birth of Christ. Joseph Scaliger had thought that 1657 was the key date in his *Thesaurus temporum* (1606). John Evelyn recorded a conversation on 28 August 1655 with the renowned mathematician William Oughtred, who confessed 'he had strong apprehensions of some extraordinary event to happen the following year, from the calculation of coincidence with the diluvian period; and added that it might possibly be to convert the Jews by our Saviour's visible appearance, or to judge the world; and, therefore, his word was, *Parate in occursum* [Be prepared for a meeting]'. Milton, however, seems never to have regained his earlier conviction that the Second Coming was imminent, or that the Millennium would be inaugurated in his time.

As his hopes faded in the later 1650s, he came to accept that Englishmen would have to continue to work out their future through the medium of politics, quite possibly without divine assistance or direction (although *Samson Agonistes* might suggest otherwise). Milton's gradual adoption of republican values marked his growing conviction that the most admirable form of government for England, that would most ensure the liberty of the individual and be most compatible with the ideal of the godly state, would be some form of classical republicanism modified to suit the peculiar dispositions of the English people. It may indeed have been his view that a republic would be the most appropriate form of government to prepare the way for the reign of Christ and his saints. A republic reflected politically the equality of true believers, and also, since a republic fostered a general spirit of civil virtue among its members, it helped to refine human nature to a condition more susceptible to grace.

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Although millenarianism flared up again in the 1660s as the ominous year 1666 approached, Milton did not show signs of responding to contemporary excitement. *Paradise Lost* gives little space to such considerations. Inevitably the subjects of Christ's return and the renewal of the earth and its spiritualisation are introduced, but only briefly (10.638, 647–8). The account of the Apocalypse is held back until book 12, and delivered in a few lines by Michael (541–51), culminating in the assurance that Christ returning will

dissolve
Satan with his perverted world, then raise
From the conflagrant mass, purged and refined,
New heavens, new earth, ages of endless date
Founded in righteousness and peace and love
To bring forth fruits joy and eternal bliss. (12.546–51)

But there is no sense here that this scenario has a contemporary application: Milton by the 1660s would seem to have regarded the precipitation of the latest day as an event indefinitely deferred.

The strongest current of opinion running through the Symposium was concerned with Milton's political thought, and the collection of papers presented here reflects the predominance of interest in Milton's constant adjustment of his political ideas to the changing circumstances of the nation in his lifetime. Many speakers addressed the evolution of Milton's politics; and in particular, because of the preponderance of literary scholars, the interconnections between linguistic register, literary form and ideas in the expression of political concerns. A number of the discussions took their direction from David Norbrook's recently published *Writing the English Republic* (1999), for that book brought out the lineage of republican thought and writing in the seventeenth century, and traced Milton's numerous and complex engagements with that tradition from the publication of *Areopagitica* onwards. This line of interest culminated in a panel discussion of Milton's republicanism that brought together David Norbrook, Barbara Lewalski, Nigel Smith, Laura Knoppers and Nicholas von Maltzahn to debate the issues. Many of the conference papers considered the larger question of Milton's place in the history of political thought in early modern Britain and Europe; here the influence of the work of J. G. A. Pocock and Quentin Skinner was particularly noticeable. The language of political engagement was a frequent topic of discussion, especially the vocabularies that were used for the exploration of those persistent concerns of Milton, the conditions of liberty, slavery and tyranny. Milton's ideas were shaped and empowered by his copious reading of antique authors, and by his interaction with contemporary theorists of statecraft and polity. Recognition of the vitality of these interactions can be found in many of the papers included in this volume.

Overall, the papers printed here display a preoccupation with the political colouring of all areas of Milton's work that was so distinctive a feature of the

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York Symposium. This bias seems likely to continue to influence the future direction of Milton studies, and the editors hope that the papers collected in this volume will help to maintain the remarkable vigour of Milton scholarship in our time.

Graham Parry

John Milton and the Politics of Slavery

QUENTIN SKINNER

I

KING Charles I was executed on 30 January 1649, and on 17 March the Rump Parliament took the still more revolutionary step of abolishing the office of kingship, arguing that ‘for the most part, use hath been made of the regal power to oppress and impoverish and enslave the subject’.¹ Two days later, by a further Act of Parliament, the House of Lords was declared to be ‘useless and dangerous’ and was likewise ‘wholly abolished’.² After pausing anxiously for two months, Parliament went on to draw the inescapable inference and proclaimed that ‘the people of England, and of all the dominions and territories thereunto belonging’ now constituted ‘a Commonwealth and Free State’ governed solely by the people’s elected representatives.³ With this sequence of decisions, the people of Britain founded a republic for the first and (so far) the only time in their history.

These unprecedented events stood in urgent need of legitimation, and several different strands of political thinking were immediately pressed into service. Some defenders of the Commonwealth sought to occupy the constitutional high ground, arguing that Charles I had broken his contract with his people, and that the people’s representatives had simply removed a tyrant and re-established lawful authority under their own command.⁴ Others argued, more concessively, that all governments are manifestations of the will of God, and thus that the new regime, no less than its predecessor, ought to be regarded as providentially ordained.⁵ Still others suggested in a yet more

This essay is a revised and extended version of an article that originally appeared in *Prose Studies*, April 2000. For commenting on drafts I am deeply grateful to David Colclough, Susan James and Graham Parry.

¹ S. R. Gardiner, ed., *The Constitutional Documents of the Puritan Revolution 1625–1660*, 3rd edn (Oxford, 1906), pp. 384–7.

² Gardiner, ed., *Constitutional Documents*, p. 387.

³ Gardiner, ed., *Constitutional Documents*, p. 388.

⁴ This was the argument advanced by the Rump itself in its official defence of its conduct. See Gardiner, ed., *Constitutional Documents*, pp. 377–80.

⁵ For these writers see Quentin Skinner, ‘Conquest and Consent: Thomas Hobbes and the

pragmatic and even Hobbesian vein that no government can hope to survive an examination of its original right to rule, and that the capacity of the new regime to protect its subjects should be accepted as a sufficient title to be obeyed.⁶

Alongside these mainly post-Reformation arguments, a number of apologists for the Commonwealth attempted instead to defend it in classical and, more specifically, in Roman law terms. According to this version of events, the people of England had been living in a state of servitude under the rule of Charles I. The abolition of the monarchy was therefore interpreted as an act of self-liberation on the part of an enslaved people who had thereby succeeded in regaining their birthright of freedom. Historians have paid less attention to these arguments, but there are several reasons for thinking them worthy of closer scrutiny. One is that they formed an important element in the attack on the royal prerogative under the early Stuarts, and in consequence helped to legitimise the decision by Parliament to take up arms in 1642. A further reason is that John Milton, incomparably the greatest writer to speak out in defence of the regicide, made prominent use of the same arguments in the tracts he published on behalf of the Commonwealth between 1649 and 1651. My first aim in what follows will accordingly be to sketch the rise of this neo-Roman analysis of the English polity and its role in helping to precipitate the outbreak of the English civil wars. My eventual aim will be to illustrate the continuities between this analysis and Milton's arguments in defence of the regicide. My underlying aspiration is to offer a new account of the sources and character of Milton's theory of free citizens and free states.

II

When the English first began to voice anxieties about their 'fundamental' liberties in the early Stuart Parliaments, the language in which they generally couched their complaints was that of common law rather than the law of Rome. Faced with a government inclined to construe their freedoms as privileges, the common lawyers in the House of Commons retorted that – in the words of Sir Edward Coke – the people possess these liberties as a matter not of grace but of legal right.⁷ The common law case was summarised by John Glanville in a speech he was asked to make on behalf of the House at the time of the presentation of the Petition of Right in 1628. There are certain

Engagement Controversy', in *The Interregnum: The Quest for Settlement*, ed. G. E. Aylmer (London, 1972), pp. 79–98.

⁶ For these writers, and their relations with Hobbes, see Quentin Skinner, 'Thomas Hobbes on the Proper Signification of Liberty', *Transactions of the Royal Historical Society*, 5th ser., 40 (1990), pp. 121–51.

⁷ Robert C. Johnson, Mary Frear Keeler, Maija Jansson Cole and William B. Bidwell, eds., *Commons Debates 1628*, vol. 3: 21 April – 27 May 1628 (New Haven, 1977), p. 95.

'lawful and just liberties', Glanville maintained, which give us the status of 'free subjects of this realm'.⁸ They are fundamental in the sense that they are 'absolutely the rights' of free subjects, and are at once declared and confirmed in Magna Carta, from which we can trace 'an inherent right and interest in liberty and freedom in the subjects of this realm as their birthright and inheritance'.⁹

One of the complaints voiced in the Parliament of 1628, and strongly echoed in 1640, was that these rights were being 'miserably violated', especially by the exercise of the royal prerogative to imprison subjects without trial and impose taxes without consent.¹⁰ A deeper grievance was that the very existence of these prerogatives posed a threat to fundamental liberties, leaving them in a state of perpetual danger and insecurity.¹¹ When the Commons debated its Petition of Right in 1628, Sir Edward Coke argued that the remedy lay in rejecting the crown's understanding of the prerogative as a set of 'regal' as opposed to 'legal' rights. 'Magna Carta and all other statutes', Coke replied, 'are absolute without any saving of sovereign power', so that outside the *lex terrae* there can be no prerogative powers at all.¹² When the Long Parliament met in November 1640, the common lawyers and their allies duly pushed through a series of Acts designed to convert this theory into constitutional practice: they abolished the prerogative courts and outlawed the use of prerogative powers to collect taxes without Parliamentary consent.

It has recently been argued that, in so far as Parliament had a legal case in favour of taking up arms against Charles I in 1642, it was this conception of the common law and its supremacy on which they relied.¹³ But this interpretation overlooks the presence in the Parliamentary debates of what I have characterised as a classical vision, and more specifically a neo-Roman vision, of fundamental liberties. If the crown, according to this rival analysis, possesses any discretionary powers capable of undermining fundamental liberties, what we have to say is not that these liberties are thereby left in a state of jeopardy. What we have to say is that we do not possess any such liberties, since the very existence of prerogative powers reduces us to a level below that of free subjects.

As I have already intimated, this argument was basically taken not from the common law but from the law of Rome. John Milton himself draws attention to this fact in one of the entries in his *Commonplace Book* dating from the early 1640s. He notes that, if we wish to see 'what lawyers declare concerning liberty', we need to turn to the discussion of freedom and servitude in the

⁸ Johnson *et al.*, eds., *Commons Debates 1628*, 3: 562.

⁹ Johnson *et al.*, eds., *Commons Debates 1628*, 3: 564–5.

¹⁰ Johnson *et al.*, eds., *Commons Debates 1628*, 3: 565.

¹¹ Johnson *et al.*, eds., *Commons Debates 1628*, e.g. at 3: 496, 528–9, 532–3, 562.

¹² Johnson *et al.*, eds., *Commons Debates 1628*, 3: 494.

¹³ Alan Cromartie, 'The Constitutionalist Revolution: The Transformation of Political Culture in Early Stuart England', *Past and Present*, 163 (1999), pp. 78–9, 86, 112, 118.

Codex of Justinian.¹⁴ There we first learn that ‘the fundamental division within the law of persons’, as the *Digest* puts it, ‘is that all men and women are either free or are slaves’.¹⁵ After this comes a formal definition of the concept of slavery. ‘Slavery is an institution of the *ius gentium* by which someone is, contrary to nature, subject to the dominion of someone else.’¹⁶ This in turn is held to yield a definition of individual liberty. If everyone in a civil association is either bond or free, then a *civis* or free subject must be someone who is not under the dominion of anyone else, but is *sui iuris*, capable of acting in their own right.¹⁷ It likewise follows that what it means for someone to lack personal liberty must be for that person not to be *sui iuris*, but instead to be under the power or subject to the will of someone else.

While this understanding of civil liberty received its definitive articulation in the *Codex*, we already find it at a much earlier date among the philosophers and especially the historians of ancient Rome. Sallust and Livy both discuss the transition from the servitude imposed on the Roman people by their early kings to the state of liberty they enjoyed under their ‘free commonwealth’,¹⁸ while Tacitus later examines the causes of their return to servitude under the principate.¹⁹ A further and closely connected issue raised by these writers relates to the social consequences of losing the status of *cives* or free subjects. We can never hope, they maintain, to find any notable exploits – any deeds of glory or greatness – performed by peoples living in conditions of servitude. Livy²⁰ and Tacitus²¹ both issue this warning, but it is Sallust who places the strongest emphasis on it. His main reason for believing that individual freedom is a necessary condition of civic greatness appears at the outset of his *Bellum Catilinae*, where he explains that powerful kings invariably feel envious and hostile towards subjects who exhibit notable civic virtues. To cite John Heywood’s translation of 1608, ‘absolute Princes are alwaies more

¹⁴ John Milton, ‘Commonplace Book’, in *Complete Prose Works of John Milton*, ed. Don M. Wolfe et al., 8 vols. (New Haven, 1953–82), I: 410, 470; hereafter cited as CPW.

¹⁵ Theodor Mommsen and Paul Krueger, eds., ‘Digesta’, in *Corpus Iuris Civilis*, vol. I (Zürich, 1970), I. V. 3.35, p. 15: ‘Summa itaque de iure personarum divisio haec est, quod omnes homines aut liberi sunt aut servi.’ (Note that, in this and in all subsequent quotations from the *Digest*, the translations are my own.)

¹⁶ Mommsen and Krueger, eds., ‘Digesta’, I. V. 4.35, p. 15: ‘Servitus est constitutio iuris gentium, qua quis dominio alieno contra naturam subicitur.’

¹⁷ Mommsen and Krueger, eds., ‘Digesta’, I. VI. 1.36, p. 17: ‘Some persons are in their own power, some are subject to the power of others, such as slaves, who are in the power of their masters.’ [‘quaedam personae sui iuris sunt, quaedam alieno iuri subiectae sunt . . . in potestate sunt servi dominorum . . .’]

¹⁸ Sallust, ‘Bellum Catilinae’, in *Sallust*, trans. and ed. J. C. Rolfe (Cambridge, Mass., 1931), VI–VII, 10–14; Livy, *Ab urbe condita*, Books I and II, trans. and ed. B. O. Foster (Cambridge, Mass., 1919), II. I, 218–20 and II. III, 226–8.

¹⁹ Tacitus, *Historiae*, Books I–III, trans. and ed. Clifford H. Moore (Cambridge, Mass., 1925), I. I–III, 2–8.

²⁰ Livy, *Ab urbe condita*, Books I and II, trans. and ed. Foster, II. I, 218–20.

²¹ Tacitus, *Historiae*, Books I–III, trans. and ed. Moore, I. II, 6.

jealous of the good, then of the badde, because another mans Vertue (as they take it) is a diminution of their respectivenesse, and therefore dangerous'.²² The implications of Sallust's diagnosis are later spelled out by Tacitus at the start of his *Historiae*. Under absolute monarchies the exercise of civic virtue becomes (in the words of Henry Savile's translation of 1591) 'the readie broad way to most assured destruction'.²³ Those who live at the mercy of such rulers learn to curb the very qualities that need to be given free rein if civic greatness is to be achieved. The alternative, Tacitus grimly adds, is to learn from experience that under tyranny the possession of outstanding qualities is 'a capitall crime'.²⁴ With virtue effectively proscribed, the outcome is a servile society in which flatterers and time-servers flourish unopposed.

These arguments were much invoked in the years immediately following the execution of Charles I. Before that time, however, opponents of the royal prerogative preferred to focus on a different reason given by Sallust for believing that individual liberty is a condition of political glory and greatness. Sallust had offered this additional reflection in his *Bellum Iugurthinum*, putting it into the mouth of Gaius Memmius in a speech upbraiding the plebs for allowing themselves to be dominated by the Roman nobility. The outcome of living for many years without security for life or liberty, Memmius tells them, is that they have become so anxious and dispirited that all civic virtue has been lost. If 'care of liberty had possessed your courages', as Heywood's translation puts it, 'the Common-wealth should not, as now lie disgraced'. But instead the whole populace has fallen into 'slavish patience', becoming 'so corrupted with the same sloth and cowardice' that they have learned to 'tollerate so vile a servitude'.²⁵

As soon as critics of the early Stuart monarchy began to feel anxious about fundamental liberties, they increasingly turned to these accounts of slavery and the servile behaviour to which it allegedly gives rise. The contention that the mere existence of prerogative rights converts free subjects into slaves was loudly voiced in the Parliamentary debates about Impositions in 1610. As opponents of the government stressed, the use of the prerogative to impose customs and other charges presupposes that the right to hold property remains subject to the will of the king. But to live subject to the will of someone else, as the *Digest* had explained, is what it means to live in servitude. Sir Thomas Hedley duly drew the inference in the great speech he delivered immediately after Sir Francis Bacon had spoken in

²² Thomas Heywood, trans., *The Two most worthy and Notable Histories which remaine unmaimed to Posterity: (viz:) The Conspiracie of Cateline, undertaken against the government of the Senate of Rome, and The Warre which Iugurth for many years maintained against the same State. Both written by C. C. Sallustius* (London, 1608), p. 17 (first pagination; recte 7).

²³ Henry Savile, trans., *The Ende of Nero and Beginning of Galba. Fower Bookes of the Histories Of Cornelius Tacitus* (Oxford, 1591), p. 2.

²⁴ Savile, trans., *The Ende of Nero*, p. 2.

²⁵ Heywood, trans., *The Two most worthy and Notable Histories*, pp. 29–30 (second pagination).

favour of the prerogative.²⁶ If, Hedley warns, you ‘take away the liberty of the subject in his profit or property’, then ‘you make a promiscuous confusion of a freeman and a bound slave’.²⁷ Towards the end of the session an attempt was made to introduce a Bill for the protection of fundamental liberties, the aim being to ‘leave a monument behind us that may shew to posterity we do unwillingly endure servitude’.²⁸

The same objections resurfaced in 1628 in the course of the protests against the levying of the Forced Loan two years earlier without consent of Parliament. We are told, Sir Dudley Digges remarked at the outset of the Commons debate, that ‘he is no great monarch’ who cannot take ‘whatsoever he will’. But any king who ‘is not tied to the laws’ and thereby rules by mere caprice is nothing better than ‘a king of slaves’.²⁹ Sir Robert Phelips went on to denounce the employment of the Lord Lieutenants to collect the Forced Loan. ‘What a miserable grievance is that of lieutenancies, when by an arbitrary warrant I shall have my goods taken away from me as if I were a poor slave.’³⁰ Referring to Livy’s cautionary tale of the Decemvirs in early Rome, Phelips added that ‘there’s now a decemvir in every county, and amongst that decemvir there’s some Appius Claudius that seek their own revenges’. Sir John Eliot – also invoking Livy’s history – reverted to the same issue later in the debate, stressing once more that the very fact of being ‘liable to the command of a higher power’ is what takes away our liberty.³¹

Still more fundamental than the freedom to hold and dispose of property, everyone agreed, was the value of personal liberty. This commitment gave rise to a further attack on the government in the Parliament of 1628 for undermining the status of free subjects. The principal grievance was the crown’s use of prerogative powers to imprison without declaring a cause. As Richard Creshald objected, if such a power is permitted to the crown we ‘become bondage’, and this condition ‘I am sure is contrary to and against the law of nature’.³² Speaking in support, Sir John Eliot agreed that without this ‘common right of the subject’ we are nothing better than bondmen.³³ Later in

²⁶ For a perceptive analysis of Hedley’s speech see Markku Peltonen, *Classical Humanism and Republicanism in English Political Thought 1570–1640* (Cambridge, 1995), pp. 220–8.

²⁷ Elizabeth Read Foster, ed., *Proceedings in Parliament 1610*, vol. 2: *House of Commons* (New Haven, 1966), p. 192.

²⁸ Foster, ed., *Proceedings in Parliament 1610*, vol. 2: *House of Commons*, p. 329.

²⁹ Robert C. Johnson and Maija Jansson Cole, eds., *Commons Debates 1628*, vol. 2: *17 March – 19 April 1628* (New Haven, 1977), p. 66.

³⁰ Here I have made a conjectural emendation, for the manuscript reads not ‘slave’ but ‘snake’. See British Library, Stowe MS 366, fo. 10v (and cf. Johnson and Cole, eds., *Commons Debates 1628*, 2: 69). But the comparison with ‘a poor snake’ makes little sense, and since the rest of the speech is about slavery I assume that the copyist of the notes taken at the debate must have intended to write ‘slave’.

³¹ Johnson and Cole, eds., *Commons Debates 1628*, 2: 72.

³² Johnson and Cole, eds., *Commons Debates 1628*, 2: 149.

³³ Johnson et al., eds., *Commons Debates 1628*, 3: 6.

the same session, Sir Roger North put it to the Commons that their principal duty was to halt these encroachments and thereby 'save ourselves and them that sent us from being slaves'.³⁴

The anxieties voiced by the Roman historians about the social consequences of living in servitude likewise surfaced at numerous points in these Commons debates. We already find Sir Thomas Hedley speaking in 1610 of the need for 'spirit and courage' to be sustained if civic greatness is to be achieved, and warning against the dire effects of failing to uphold the freedom that enables such virtues to flourish. 'If the liberty of the subject be in this point impeached, that their lands and goods be any way in the king's absolute power to be taken from them', this will leave them 'little better than the king's bondmen', as a result of which 'they will use little care or industry to get that which they cannot keep and so will grow both poor and base-minded like to the peasants in other countries'.³⁵ Later we find the same moral drawn with even more patriotic assurance by Sir Dudley Digges in the Parliament of 1628:

That king that is not tied to the laws is a king of slaves. I have been in employments abroad. For the propriety of goods and of liberty, see the mischief of the contrary in other nations. In Muscovy one English mariner with a sword will beat five Muscovites that are likely to eat him. In the states where there are no excises, as in trades, they are most free and noble. If these be brought, the king will lose more than he gains.³⁶

The self-congratulating tendency to speak of the free world (by contrast with that of the Muscovites) has a long pedigree.

III

With the recall of Parliament in 1640, similar protests about the undermining of fundamental liberties broke out anew. As soon as the Short Parliament assembled in April, Sir Francis Seymour returned to the attack with an angry speech denouncing evil counsellors for treasonously telling the king that 'his prerogative is above all Lawes' and thus that 'his Subjects are but slaves'.³⁷ By the time Parliament decided on armed resistance in the summer of 1642, the claim that the people were living in servitude had become a staple of debate. When Charles I issued his Commission of Array on 1 July, summoning his subjects to the defence of the realm, the Commons retorted that this

³⁴ Johnson *et al.*, eds., *Commons Debates 1628*, 3: 269.

³⁵ Foster, ed., *Proceedings in Parliament 1610*, vol. 2: *House of Commons*, pp. 194–5.

³⁶ Johnson and Cole, eds., *Commons Debates 1628*, 2: 66.

³⁷ Esther S. Cope and Willson H. Coates, eds., *Proceedings of the Short Parliament of 1640* (London, 1977), p. 142.