

Milton's Case for a Free Commonwealth

Frank Lovett Washington University in St. Louis

This article will examine the development of John Milton's arguments for democracy as against monarchy and other sorts of autocratic rule. These arguments are interesting both in their own right and insofar as they shed light on historiographical debates concerning the classical republican tradition. Milton is shown to hold a negative conception of liberty, as opposed to a positive or participatory conception, which lends support to the neo-roman interpretation of that tradition, associated with Quentin Skinner and Philip Pettit. However, it is further shown that Sinner and Pettit misunderstand the classical republicans' case for democracy, attributing to them a conceptual argument in place of an empirical one. A better understanding of Milton's political theory contributes to a better understanding of this dilemma, and perhaps suggests a solution.

This article will examine the development of John Milton's arguments for a "self-governing democratic or Commonwealth" (VII, 427)¹ as against monarchy and other sorts of autocratic rule. These arguments are interesting both in their own right (Milton is often underestimated as a political thinker),² and also insofar as they shed light on continuing historiographical debates concerning the classical republican tradition to which he belongs.

Sometime between publishing the *Second Defense of the People of England* in 1654 and penning the first edition of the *Readie and Easie Way to Establish a Free Commonwealth* six years later, Milton changed his mind regarding monarchy in a subtle but significant respect. In earlier tracts, he had carefully evaded the question of whether a properly constituted monarchy might not be a legitimate form of government. Only in the *Readie and Easie Way* does he at last flatly reject monarchy in no uncertain terms as "unnecessary, burdensome and dangerous," and thus

"justly and magnanimously abolished" (VII, 409).³ This shift is particularly striking given the obvious inevitability of restoration when the latter tract was written, and the possibility that publishing such a vehemently antimonarchical tract might therefore expose Milton to personal danger. Would not a more suitable time to express such sentiments have been during his tenure as Secretary of Foreign Tongues for the Commonwealth government in the early 1650s? Nor can his comparative restraint at that time be attributed entirely to his employers' strategic interests (the Commonwealth government might not have wanted to project such a radical public posture), for an equal equivocation with respect to monarchy can be found in Milton's writings of the 1640s.

Some commentators have accordingly been led to doubt the consistency of Milton's political doctrines. "The development of Milton's republicanism is not easy to chart," writes Worden; "only in early 1660 . . . did his republicanism become uninhibited" (1991, 456).⁴ I will

Frank Lovett is assistant professor of political science, Washington University in St. Louis, One Brookings Drive, St. Louis, MO 63130.

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¹All citations to Milton's writings other than *Paradise Lost* are to the volume and page number in the *Complete Prose Works* (Milton 1953–82).

²Many still agree with Sabine that "the republicanism of John Milton . . . was less original and less important than that of Harrington," and that "Milton's tracts are chiefly memorable for the magnificence of the literary form in which he clothed ideas already known to everyone" (1950, 508). According to Zagorin, "as a political theorist and systematic thinker" Milton "was not of the first order . . . There is little Milton said in his political writing that was not spoken by contemporaries" (1954, 106). Likewise, Worden holds that "Milton's claims as a political thinker are limited. His political prose would have received far less attention from posterity but for the immortality of his poetry" (1994, 560).

³As discussed in Knoppers (2001), there are some indications of the shift a bit earlier, in his unpublished writings of 1659, but this does not detract from the main point.

⁴Zagorin (1954), Sanderson (1989), and Corns (1995) similarly doubt the consistency of Milton's republicanism. Dzelzainis (2001, 294–96) discusses this standard view.

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argue to the contrary that Milton's republicanism did not emerge late, and indeed that his writings demonstrate considerable consistency of principle—not just across the 1650s, but both before and after this as well. The change in his assessment of monarchy is best understood as resulting from a change in his assessment of certain political realities and not from any revision in his underlying normative commitments.

The picture of Milton that emerges here does not fit well with a long-dominant understanding of the classical republican tradition, which we might call the “civic humanist” interpretation. As explained later, civic humanists attribute to the classical republicans a positive conception of political liberty and, corresponding to this, a belief in the intrinsic value of political participation and civic virtue. It is thus perhaps not surprising that Milton hardly registers at all in the two monumental treatises of this school—Pocock's *The Machiavellian Moment* (1975) and Rahe's *Republics Ancient and Modern* (1992)—each of which mentions Milton only two or three times in passing. Milton is more at home in a newer but still disputed interpretation of the classical republican tradition, associated chiefly with Skinner and Pettit. On this “civic republican” interpretation, the classical republicans held a negative conception of political liberty as nondomination, together with the belief that political participation and civic virtue are instrumentally valuable in securing liberty so-understood. A better understanding of Milton's reasons for (eventually) rejecting monarchy will lend some support to this latter camp, but the civic republicans do not quite get things right either. In particular, they misunderstand the nature of the classical republican argument for democracy in a subtle but important respect.

Of course, more than a minor historiographical question is ultimately at stake. For both civic humanists and civic republicans, the deeper issue is what we mean by democracy and why it is important. The neo-republican revival has in large part been driven by dissatisfaction with mainstream political liberalism's long-deficient appreciation of the value of democratic participation, and by hope for its recovery. It is thus particularly important that we get the argument for democracy in the classical republican tradition exactly right, and in my view an examination of Milton's tracts will contribute to this goal.⁵

⁵Unfortunately, I can give only scant attention to the significant debates between either republican camp on the one hand, and liberals on the other. But liberalism had not yet emerged as a clearly distinct political doctrine in the seventeenth century, so it is unlikely that a study of Milton would contribute much to such debates.

Milton's Earlier Position on Monarchy

Soon after Charles I was finally defeated on the field of battle, long-apparent divisions within the Parliamentary ranks came to a head. Moderate Presbyterians seemed willing to reach a settlement with the King, but Pride's Purge of December 1648 cleared the way for the remaining Rump Parliament to try and execute him in January 1649.

Milton's *Tenure of Kings and Magistrates*, probably composed during the trial, was published only weeks after the execution, in February. I begin with a discussion of this tract both because it is representative of his earlier views on monarchy and democracy and also because it will clarify in some respects the arguments in his later *Readie and Easie Way*. Milton sets narrow goals for the *Tenure*: “who in particular is a Tyrant cannot be determin'd in a general discours,” he cautions, for this can only be established by “sufficient proof” under “the Law of nature and right reason,” as judged by upright and impartial authorities or the people themselves. Instead, he concentrates on showing that *any* ruler, “be he King, or Tyrant, or Emperour,” nevertheless “the Sword of Justice is above him,” and thus that “turning to Tyranny they may bee . . . lawfully depos'd and punish'd” (III, 197–98). In other words, he seeks to demolish a strictly ideological obstacle preventing many people from supporting Charles's trial and execution—namely, the idea that kings are politically sacrosanct, beyond the reach of human law.⁶ He does this by arguing that because political authority derives ultimately from the people, magistrates can be held to account by their subjects under the laws of natural justice.

That the origin of legitimate political authority stands in need of explanation follows from the fact that “all men naturally were borne free . . . and were by privilege above all the creatures, born to command and not obey” (III, 198–99). Or, as he put it much later in *Paradise Lost*:

He gave us only over beast, fish, fowl
 Dominion absolute; that right we hold
 By his donation; but man over men
 He made not lord; such title to himself
 Reserving, human left from human free.
 (1993, 285)

⁶Milton may specifically have had in mind the Parliamentary track writers of the early 1640s such as Henry Parker or William Prynne, who defended constitutional resistance along monarchomach lines, but who shied away from deposing Charles. See Franklin (1978, 22–33) for a discussion of these authors.

In other words, no one has by nature the right to rule over others. Unfortunately, this natural equality cannot persist, for “from the root of Adams transgression” men have fallen “among themselves to do wrong and violence.” In order to avoid insecurity and danger, people band together in political community, and thus “ordaine som authority, that might restrain by force and punishment what was violated against peace and common right.” This is accomplished by transferring the “autoritie and power of self-defense and preservation” that was “originally and naturally in every one of them” to some designated public magistrate “for ease, for order, and least each man should be his own partial Judge” (III, 199).

In arguing that government has its origin directly in the people, Milton follows Henry Parker and other Parliamentary tract writers of the early 1640s. Parker—who Milton practically quotes—similarly argued that “Men being depraved by the fall of Adam grew so untame and uncivill a creature, that the Law of God written in his brest was not sufficient to restrayne him from mischeife,” and thus “without some magistracy to provide new orders, and to judge of old, and to execute according to justice, no society could be upheld” (Parker 1642, 13). Milton likewise agrees with Parker that political authority “is originally inherent in the people, and is nothing else but that might and vigour which such or such a society of men containes in itself” (Parker 1642, 1). But we cannot find in these Parliamentary tract writers anything like Milton’s assertion that men are by nature born free, each individually possessing the right to execute the law of nature. Indeed, it has been observed that his argument here, though considerably more compact, remarkably foreshadows that of Locke a generation later (see Dzelzainis 1991, xvi–ii). The idea of an individually held, natural right to execute the law of nature might derive from Hugo Grotius, though on his account the executive right is permanently alienated to a sovereign, whereas Milton believes that it is only provisionally delegated and can always be reclaimed by its original possessors.⁷

At first no explicit limits were placed on government, Milton speculates, but gradually “the danger and inconveniences of committing arbitrary power to any” magistrate was discovered, and attempts were made to restrain political authority. In order to deprive their magistrates of arbitrary power, communities “invent Laws either fram’d, or consented to by all, that should confine and limit the authority of whom they chose to govern them.” This is

⁷Cf. Grotius (1925, 138–40, 465–78). Milton clearly had some knowledge of Grotius: his *Second Defense* reports that he was “very desirous of seeing” the “learned Hugo Grotius” on his travels (IV, 615), and his divorce tracts cite Grotius several times, though never the *De iure*.

done so that “man, of whose failing they had proof, might no more rule over them, but law and reason abstracted as much as might be from personal errors and frailties.” In other words, just “as the Magistrate was set above the people, so the Law was set above the Magistrate.” Additional measures, such as oaths of office, the institution of parliaments, and so on, were added to give force to the rule of law (III, 199–201).⁸ In light of this, Milton claims, it is evident that:

... the power of Kings and Magistrates is nothing else, but what is only derivative, transferr’d and committed to them in trust from the People, to the Common good of them all, *in whom the power yet remains fundamentally*, and cannot be tak’n from them, without a violation of thir natural birthright . . . (III, 202, emphasis added)

This is about as clear a statement of the doctrine of inalienable popular sovereignty as one might hope to find, though of course he does not work out the technical details as Locke would later do. It is not clear from whom exactly Milton drew his inspiration here, but in effect he is following to its logical conclusion the constitutional doctrine of the Monarchomach theorists of the late sixteenth century, of which he had at least some passing familiarity.⁹ Indeed, he goes much further:

... since the King or Magistrate holds his autoritie of the people, both originally and naturally for their good in the first place, and not his own, then may the people as oft as they shall judge it for the best, either choose him or reject him, retaine him or depose him *though no Tyrant*, meerly by the liberty and right of free born Men, to be govern’d as seems to them best. (III, 206, emphasis added)¹⁰

⁸Milton offers a similar historical sketch in the *Readie and Easie Way* (VII, 448–49). Again, the similarity to Parker (1642, 13–16) is striking.

⁹The question of his sources is discussed in Hughes (1962, 110–25) without clear resolution. Milton cites François Hotman’s *Franco-gallia* in several works and seems also to have read the *Vindiciae contra tyrannos*, which he falsely believed was written by Theodore Beza. On the monarchomachs in general, see Franklin (1969); on Milton’s view of who may engage in active resistance—an issue left aside here—see Dzelzainis (1991).

¹⁰Milton reiterates these points later: “the power of kings and magistrates . . . was and is originally the peoples, and by them conferr’d in trust onely to bee employd to the common peace and benefit; with liberty therefore and right remaining in them to reassume it to themselves, if by kings and magistrates it be abus’d; or to dispose of it by any alteration, as they shall judge most conducing to the public good” (III, 211–12). Note that by fully embracing the

This is a version of the doctrine of popular sovereignty considerably more radical in some respects even than that of Locke, for the threshold of rebellion is much lower: on Locke's view, the people cannot depose their rulers at will, but only when certain conditions of the social contract have been violated; on Milton's view, while tyranny provides an excellent reason for doing so, the right of the people to exercise their sovereign authority is by no means limited to such cases.

According to Milton, "the power to remove, or to abolish any governour supreme, or subordinat" is precisely "that power, which is the root and sourse of all liberty." It is the "natural and essential power of a free Nation," without which a people "can in due esteem be thought no better then slaves and vassals born, in the tenure and occupation of another inheriting Lord" (III, 236–37). But can a people, consistently with the continued enjoyment of their natural rights and liberties, choose monarchy? The position Milton takes in the *Tenure* seems to be *yes*—though subject to two important conditions. The first is that the monarchy not be hereditary: "to say, as is usual, the King hath as good right to his Crown and dignitie, as any man to his inheritance," Milton writes, "is to make the Subject no better then the Kings slave, his chattell, or his possession that may be bought and sould."¹¹ The second is that the king be subject to the law, and not above it. If the king is above the law, "we hold then our lives and estates, by the tenure of his meer grace and mercy," and absolute or unlimited monarchy "is the worst sort of Tyranny; and least of all to be endur'd by free born men" (III, 203–04). Subject to these conditions, however, Milton concedes that monarchy is an acceptable form of government, and by implication that democracy is not necessary for the enjoyment of political liberty.

Milton reiterates his position in other tracts of the same period.¹² For example, in the *Eikonoklastes* (published in October of 1649), he writes that "It were a folly beyond ridiculous to count our selves a free Nation, if the King not in Parliament, but in his own Person and against

implications of popular sovereignty, Milton eliminates a tension found both in the Monarchomachs, and also in Parker, Prynne, and other early Parliamentary tract writers, who upheld constitutional resistance while remaining committed to a constitutionally independent monarchy. For discussion of this problem, see Franklin (1969) and (1978).

¹¹Note that Milton eschews the solution offered by Hotmann and others—namely, glossing the law of succession as a custom tacitly consented to by the people.

¹²Of course I ignore here the various shifts and inconsistencies among these tracks, carefully documented by Sirluck (1964). The point is only that Milton's position on the relationship between monarchy and political liberty remains more or less consistent during this period.

them, might appropriate to himself the strength of a whole Nation as his proper goods" and somewhat later, that "if our highest consultations and purpos'd lawes must be terminated by the Kings will [i.e., veto], then is the will of one man our Law, and no sottletie of dispute can redeem the Parliament, and Nation from being Slaves" (III, 451, 462). The equivocation in these and other passages is evident: they suggest that a monarch properly restrained under the law of the land—here embodied in Parliamentary supremacy—would *not* necessarily conflict with political freedom. The incompatibility of hereditary monarchy with liberty is reiterated in the *Defense of the People of England*, published 1651: "Surely those nations must be slavish and born to serve who admit that without their own consent they have become the inheritance of such masters [kings]. They certainly cannot be considered citizens or free born or even free" (IV, 472). This implies, however, that an elective monarchy might be acceptable. His clearest statement to the effect that monarchy might under certain conditions be acceptable appears in the *Second Defense*, published 1654: acknowledging that whereas his previous works "seemed to attack the whole right of kings," Milton claims that in truth he "had uttered no word against kings, but only against tyrants" (IV, 604). Thus down to 1654 at least, Milton did not hold there was any necessary incompatibility between monarchy and political liberty.

Milton and the Classical Republican Tradition

Milton's equivocation on the question of monarchy before 1660 has been commented on many times before.¹³ It has even led some to wonder just how well he fits with the "classical republican" tradition to which he is generally supposed to belong. Of course, how best to characterize that tradition is hotly debated.

Least controversially, we might say the classical republicans were simply a loose family of writers, running from Machiavelli and his fifteenth-century Italian predecessors to the English republicans Harrington, Sidney, and others; passing from thence through the eighteenth-century commonwealthsmen and Montesquieu to Madison, Jefferson, and the defenders of the American Revolution in England; and coming to an end perhaps with Tocqueville. These theorists share at minimum a set of common themes and concerns, including for example the importance of civic virtue and political participation, the dangers of

¹³For example, see Zagorin (1954), Worden (1990), Corns (1995), Dzelzainis (2001), or Knoppers (2001).

corruption, and the benefits of a mixed constitution and the rule of law; and it is characteristic of their rhetorical style to draw heavily on classical examples—from Cicero and the Latin historians especially—in making their arguments. If there is one overriding commitment shared by all the classical republicans, however, surely it is their commitment to the paramount value of political liberty or freedom. It is noteworthy, in this respect, that in the *Second Defense* Milton describes his own project as precisely to “in any way advance the cause of true and substantial liberty” (IV, 624). Of course, it has been questioned whether this is rather too neat on his part—a disingenuous *ex post facto* effort to greater dignify what were in fact merely a series of timely political tracts. But why not take Milton at his word? It would indeed be difficult to render any better account of those earlier writings, in which an enthusiasm for political liberty clearly takes center stage. Milton addresses the *Areopagitica*, for example, to “the Liberty of Unlicenc’d Printing” and quotes Euripides to the effect that “This is true liberty, when free-born men/Having to advise the public, may speak free” on its title page (II, 485). In the preface to *Eikonoklastes*, he explains that this track will “take up this Gauntlet . . . in behalf of Libertie, and the Commonwealth” (III, 338). And again, the *First Defense* aimed “with good success and in very truth [to] refute” Salmasius’s attack on the “famous men who led us to liberty” (IV, 306). These and many other instances could be cited to the effect that his claim in 1654 to have been motivated all along by the cause of “true and substantial liberty” is no mere retrospective gloss.

Few contemporary historians would dispute this characterization of the classical republican tradition, nor Milton’s inclusion in it, so far as it goes. Beyond this, however, consensus quickly comes to an end. Broadly speaking, there are two camps: on the one hand a “civic humanist” camp, associated especially with Hannah Arendt, Gordon Wood, J. G. A. Pocock, and others; and on the other a “civic republican” camp, associated especially with Quentin Skinner, Philip Pettit, and others.¹⁴ These two camps differ considerably in their respective interpretations of the classical republican tradition.

¹⁴For examples of the former see: Arendt (1990, 1993, chapter 4); Wood (1969); Pocock (1975); Worden (1990, 1994); and Rahe (1992). For examples of the latter see: Skinner (1984, 1998, 2000); Viroli (2002); Pettit (1989, 1997, 1999); and Dzelzainis (2001). The terms “civic humanist” and “civic republican” I draw from Rawls (1993, 205–06), though they are now common. This division ignores of course some alternative interpretations of republicanism. There is for example a popular European tradition that regards Spinoza and Rousseau as the canonical republicans; for reasons that should become clear, I am not at all sympathetic with this view. There is also an American (now largely defunct) tradition that regards the idea of a ‘mixed constitution’ as the core republican doctrine: see for example Fink (1962) or Berns (1987).

On the civic humanist view, the classical republicans held what would now be described as a perfectionist political philosophy—that is, a political philosophy centered on the promotion of a specific conception of the good life as consisting in active citizenship and healthy civic virtue on the one hand, while combating any sort of “corruption” that would undermine these values on the other. This distinctive vision of the good life is rooted in the experience of the ancient Greek polis, as expressed in the writings of Aristotle. On the civic humanist interpretation, the goods of active political participation, civic virtue, and so on, are *intrinsically valuable*, and thus the central importance of political liberty in the classical republican literature must be understood in a distinctive manner. Specifically, to employ Benjamin Constant’s famous distinction, the classical republicans must not be seen as holding a negative “liberty of the moderns” view that freedom consists merely in the lack of restraint or interference, but rather a positive “liberty of the ancients” view that freedom consists in an active participation in the political processes of collective self-determination (Constant 1988). In the language of Arendt, the Greek polis was “a kind of theater where freedom could appear,” and the political sphere “is the realm where freedom is a worldly reality” (1993, 154).¹⁵ In other words, to enjoy political freedom is to share in the good life, understood as active citizenship and civic virtue.

If we expect to find something like these sentiments in Milton, however, we might be in for a surprise. As we have seen, in his earlier tracts Milton did not see any fundamental inconsistency between monarchy and the enjoyment of political liberty, and thus he could hardly have regarded freedom as consisting in active political participation. Even disregarding these writings, and looking ahead to what is supposed the most republican of all his tracts—the *Readie and Easie Way*—we find that he rejects in rather strong terms the standard institutional devices for encouraging active political participation: namely, large popular assemblies, frequent elections, and the rotation of office holding. It is true, of course, that he proposes a vague system of local assemblies, which would provide greater opportunities for widespread active participation, but this is only to communicate “the natural heat of government and culture more distributively to all extreme parts” (VII, 460). In other words, one gets the distinct impression that active popular participation is something in Milton’s view to be contained and

¹⁵It is a telling moment when Pocock describes the story of his monumental *Machiavellian Moment* as having been told “in terms borrowed from or suggested by the language of Hannah Arendt” (1975, 550).

moderated, not encouraged. Clearly, his writings are not in accord with the civic humanist picture.

Contemporary civic republicans like Skinner and Pettit interpret the tradition quite differently. They do not generally find the classical republicans committed to a positive “liberty of the ancients” conception of freedom. On the contrary, their conception of freedom was decidedly negative, rooted not in an Aristotelian vision of the ancient Greek *polis*, but rather in Roman jurisprudence (hence Skinner’s recent preference for the term “neo-roman” instead of “civic republican”). Given the centrality of political liberty in the classical republican tradition, however, it follows from their holding a negative conception of freedom that they cannot have been advancing a perfectionist political philosophy. This of course is not to deny the importance for the classical republicans of active political participation, civic virtue, combating corruption, and so on. But rather than having regarded them as intrinsically valuable components of a particular vision of the good life, the classical republicans regarded them as *instrumentally* valuable for securing and preserving political liberty. On this interpretation, what distinguishes classical republicans from classical liberals is not that the former are perfectionist and the latter antiperfectionist, but rather that the former’s neo-roman conception of freedom—while clearly a “negative” conception—differs importantly from the latter’s conception of freedom as merely the absence of interference or constraint (see especially Pettit 1997 and Skinner 1998).

Does this interpretation better fit with what we find in Milton? “[T]here are, in all,” he says in the *Second Defense*, “three varieties of liberty without which civilized life is scarcely possible, namely ecclesiastical liberty, domestic or personal liberty, and civil liberty” (IV, 624).¹⁶ While this rough list or schematization does not exactly constitute a definition, it is about as close as he comes to offering one, and it is worth reflecting on its three elements in relation to his political writings.

Milton addressed the first—ecclesiastical liberty—in a series of pamphlets on church reform that advocated the abolition of episcopacy. Although there was nothing particularly original about these pamphlets (his contribution was lost in a flood of antiepiscopal writings of the early 1640s), it is relevant that Milton believed they contributed to a movement that was “following the true path to liberty,” and “from these beginnings” leading to “the

liberation of all human life from slavery” (IV, 622). This movement was responding to the authoritarian and conformist direction the Church of England had taken since the appointment in 1633 of William Laud as Archbishop of Canterbury; the general feeling among reformers was that the established church—if there had to be one at all—ought to be decentralized and democratic, not centralized and hierarchical. But if Milton believed reforming the church in this manner could be understood as advancing the cause of liberty, then it must be that his underlying conception of liberty is negative and not positive: ecclesiastical liberty, it seems, consists in the opportunity of a people to worship God in a manner after their own choosing, free from an autocratic order of bishops. Or, as Milton would later write, “who can be at rest . . . who hath not libertie to serve God and to save his own soul, according to the best light which God hath planted in him to that purpose” (VII, 456)?

Next consider what Milton calls domestic or personal liberty. Under this head he includes both his writings on marriage and divorce and also on the freedom of speech and press.¹⁷ With respect to the former, a series of tracts published between 1643 and 1645 argue for the right of divorce on grounds of incompatibility, without the need for an outside authoritative judgment as to this fact. With respect to the latter, his famous *Areopagitica* of 1644 argues against any system of prior restraint on publishing that would place “the judgment of truth and falsehood, what should be printed and what suppressed . . . in the hands of a few men” (IV, 626). Thus, “when complaints are freely heard, deeply consider’d, and speedily reform’d, then is the utmost bound of civill liberty attain’d” (II, 487). As in the case of religious freedom, these arguments can only be seen as advancing the cause of a negative conception of liberty. To argue for the right of divorce or free speech and press is not to argue for a perfectionist vision of the good life—as consisting in civic virtue and active political participation, say, or anything else for that matter.

Since the third category—civil or political liberty—has received sufficient attention already, we may take it as fairly settled that Milton’s underlying conception of liberty is a negative one. It is no surprise then that Milton receives scant attention in the works of the civic humanists, for his political outlook is fundamentally at odds with their interpretation of the classical republican tradition.

¹⁶But in the *Readie and Easie Way* he says that “the whole freedom of man consists either in spiritual or civil libertie” (VII, 456). Since he includes the liberty of conscience under the former, a charitable reading would be that he means “spiritual” in the latter schematization to cover both “ecclesiastical” and “domestic or personal” liberty of the first.

¹⁷Curiously, he also includes his essay on education under this heading. How is education a part of liberty? Milton defines education as “that which fits a man to perform justly, skilfully and magnanimously all the offices both private and publike of peace and war” (II, 378–79). In other words, education is that which fits a person for many different paths of life; thus, the idea seems to be that without a good education, one does not have the capacity to enjoy freedom.

Of course this does not demonstrate that Milton holds the neo-roman conception of liberty a civic republican interpretation would require, but fortunately some excellent recent historical scholarship has done precisely this. A careful examination of Milton's notes on the *Institutes* in his Commonplace Book, and his choice of language in the early political tracts, conclusively demonstrates the operation of a neo-roman conception of liberty as nondomination, derived ultimately from the distinction drawn in Roman law between freemen and slaves (Dzelzainis 2001; Skinner 2000). On this view, freedom consists neither in the active participation in the political processes of collective self-determination (the civic humanist view), nor in the mere ability to do what one likes without interference (the classical liberal view), but rather in being independent from the arbitrary rule of a master.¹⁸ It is this conception of liberty that is ultimately at work in Milton's eventual rejection of monarchy in favor of democracy, to which I now turn.

Debating the Constitution of Democracy

Much happened between the publication of the earlier tracts discussed so far, and the publication of the *Readie and Easie Way*. Penruddock's rising in 1655 and the continuing danger of royalist conspiracies led to the imposition of an unpopular military Protectorate, held together by the personality of Cromwell alone. With his death in 1658, the Protectorate's days were numbered. In May of the following year, Cromwell's son and successor had been forced to resign, and the Rump Parliament recalled. In the months that followed, the Rump was twice expelled, twice restored, and finally compelled by General Monck to readmit its purged members. By the time Milton published the first edition of the *Readie and Easie Way* in February of 1660, it was becoming clear that no lasting settlement of a free commonwealth would be possible. Despite this, after the Long Parliament had dissolved itself, and with elections for a new (and inevitably prorestoration) Parliament underway, Milton published a revised and much enlarged second edition in April, at no inconsequential danger to himself.¹⁹

¹⁸This conception of liberty as nondomination is most extensively developed in Pettit (1997). On the concept of domination at work here, see Lovett (2001).

¹⁹Milton went into hiding after Charles II was proclaimed King in May, was arrested in June, and eventually managed to secure a pardon (Woolrych 1980, 219–23). Though interesting, I will not discuss the differences between the two editions of the *Readie and Easie Way*, as they do not affect the argument here. All citations are to the second edition.

This tract is replete with some of Milton's strongest and most eloquent rhetoric. "[J]udging kingship by long experience a government unnecessarie, burdensom and dangerous," he writes, the people of England have "justly and magnanimously abolishd it; turning regal bondage into a free Commonwealth" in a legitimate exercise of popular sovereignty, bound "by the law of nature only, which is the only law of laws truly and properly to all mankind fundamental; the beginning and the end of all Government" (VII, 409, 412–13). Having done all this, to now "fall back or rather to creep back so poorly" to the recently "abjur'd and detested thraldom of Kingship, to be our selves the slanderers of our own just and religious deeds" and to "forsake, or rather to betray a just a noble cause" by abandoning the free commonwealth would only "verifie all the bitter predictions of our triumphing enemies, who will now think they wisely discern'd and justly censur'd both us and all our actions as rash, rebellious, hypocritical and impious" (VII, 422).²⁰ Milton emphatically condemns what can no longer be prevented—finding his courage, one might say, in bold words.

The *Readie and Easie Way* contains two main themes, related but separable, and unfortunately somewhat confounded together. They might be distinguished as follows: suppose that we accept the doctrine of popular constituent sovereignty, as laid out in the *Tenure* and his other earlier writings. Naturally, the question becomes: what sort of government should the people establish? Milton does not offer a general survey of the possibilities, taking it for granted that the relevant alternatives are monarchy and what he calls a "free commonwealth." By the term "commonwealth" Milton means "a societie sufficient of it self, in all things conducible to well being and commodious life," or in other words what Aristotle defines as a *polis*—an independent and self-sufficient political community (III, 458). A *free* commonwealth, he says, is a "self-governing democratie" (VII, 427). Of course, we must understand Milton's use of this term broadly: like most other political writers of his time, Milton shied away from the term "democracy," and he did not have a particularly demanding notion of what it entailed. Based on his many uses of the concept in the *Readie and Easie Way*, we may safely conclude that any people governed by magistrates they have chosen for themselves count as a "free commonwealth," even if the magistrates are few and elections rare.²¹ The first main theme of this tract, then, concerns the advantages of establishing a free commonwealth rather than a monarchy (and, as I previously

²⁰Milton's language here is strongly reminiscent of a passage in Nedham (1767, xiii–xiv).

²¹Examples can be found at Milton VII, 407–08, 426–27, 430–31, 449, and so on. For further discussion, see Dzelzainis (1995a).

remarked, this represents something of a shift in his view). The second, layered haphazardly over the first, concerns the optimal constitutional design for a settled free commonwealth in England.

Scholarly attention has for the most part focused on the second theme. This is unfortunate in a way, since this aspect of the tract is both less original and politically belated. Like others at the time, Milton regarded the collapse of the Protectorate and the return of the Rump in May of 1659 as an opportunity for the permanent settlement of a free commonwealth. Broadly speaking, the debate was joined between two factions (see Woolrych 1980): the first was led by Henry Neville and drew its inspiration from Harrington. In order to make his views more accessible, Harrington published in February or March of 1659 *The Art of Lawgiving*, restating the basic ideas from *Oceana* without the elaborate utopian trappings that may have obscured its message. He advocated a bicameral legislature, both houses composed of representatives elected to non-renewable and staggered three-year terms; together with "agrarian laws" to prevent the excessive accumulation of property into the hands of a small aristocracy. The other faction was led by Henry Vane who, following up on a plan he first laid out in *A Healing Question Propounded* (1656), replied to Harrington directly in *A Needful Corrective or Ballance in Popular Government* (1659). Rather than two elected houses subject to periodic rotation, he proposed that a perpetual Ruling Senate or Body of Elders be selected by an electorate restricted to those "who, by their tryed good affection and faithfulness to common right and publick freedome, have deserved to be trusted with the keeping or bearing their own Armes in the publick defence" (Vane 1659, 8). The Ruling Senate's authority would be tempered by a "second order of men, ordained and constituted by the Peoples suffrage," who meeting together with the former "from time to time" would supply "the consent of the People to all Acts and Decrees that are Legislative and binding to the Common-wealth" (Vane 1659, 5).

When writing the *Ready and Easie Way*, Milton was familiar with both proposals. The central features of Harrington's program—triennial rotation and agrarian laws—are clearly attacked. Although Milton might agree to a "partial rotation," he "could wish that this wheel or partial wheel in state, if possible, might be avoided." On the contrary, he would prefer indefinite reelection for three- to- nine-year terms (or better yet, life terms subject to good behavior), for, as he puts it, the "successive and transitorie parlements" favored by the Harringtonian faction "are much likelier continually to unsettle rather than to settle a free government; to breed commotions, changes, novelties and uncertainties"

(VII, 434–35).²² Milton instead supports Vane's proposal for a small Ruling Senate or "Grand Council" elected from a restricted franchise. A large popular assembly, he writes, "cannot but be troublesom and chargeable [expensive] . . . to the whole land; unweildie with thir own bulk, unable in so great a number to mature thir consultations as they ought" (VII, 441). Milton's only original contribution here was his earlier-mentioned proposal to substitute a system of local assemblies for Vane's occasional popular assembly. But in any case, probably by the time Milton published the first edition in February, and certainly by the time he published the second in April, it was obvious that any realistic opportunity for the permanent settlement of a free commonwealth had passed, and any debate concerning its form irrelevant.

Scholarly fixation on this aspect of the *Ready and Easie Way* may be due to the apparently elitist or aristocratic cast of his proposals, for which he has been roundly taken to task.²³ But the political situation Milton, Vane, and others faced must be understood. Even before the readmission of the expelled members of the Long Parliament in February, it was clear that the mood of the country was swinging away from the "good old cause" towards restoration, and that no remotely democratic election would return a Parliament favorable to preserving religious toleration and self-government. Hence their insistence on a restricted electorate and a perpetual senate (and even Harrington's program called for an elaborately indirect electoral procedure). Supporters of a commonwealth were clearly in a difficult and tenuous position, for advocates of restoration, as Milton concedes, could point out that "a greater part by far of the Nation will have it so." To which he replies:

Suppose they be; yet of freedom they partake all alike, one main end of government: which if the greater part value not, but will degeneratly forgoe, is it just or reasonable, that most voices against the main end of government should enslave the less number that would be free? More just it is doubtless, if it com to force, that a less number compell a greater to retain, which can be no wrong to them, thir libertie . . . (VII, 455)

We must carefully attend to his language here. *If* it comes to force one way or the other, can one fault Milton for being willing to sacrifice some democracy in order to

²²Milton considers indefinite reelection in a later aside (VII, 461) and also criticizes agrarian laws explicitly (VII, 445–46).

²³See for example Zagorin (1954, chapter 9); Sanderson (1989, chapter 6); Tuck (1993, 252–53).

preserve the whole of liberty, rather than the reverse? At any rate, it is unfair to accuse Milton of being deeply committed to an aristocracy of the wise and virtuous merely on the basis of a difficult choice made on the brink of an inevitable restoration.²⁴

The Case for Democracy

Considerably more interesting and original is the other, comparatively neglected aspect of the *Readie and Easie Way*: namely, Milton's emphatic arguments on behalf of a free commonwealth or democracy as against monarchy. This is the dominant theme of the tract, and yet similar reflections are hard to find in the debates of the later 1650s. Harrington's central case for popular government is in fact merely an appeal to historical necessity—namely, that the balance of property in England having passed from the nobility to the people, no other durable constitutional settlement is possible (1977, 163–76, 604–09). But this claim obviously carries no weight in the face of events, for if true, then a restoration would be impossible, and if a restoration is possible, it cannot be true. Harrington goes on to suggest that only under popular government is an “empire of laws and not of men” attainable, and “by that means comes to be the liberty of the commonwealth” (1977, 170–71), but this is presented as a (happy) consequence of, and not an argument for, popular government.²⁵ His only remaining positive argument on behalf of popular government in *Oceana* is an opaque deduction to the effect that if “the interest of the whole . . . is more excellent . . . then the right or interest of the parts only,” and “if the interest of popular government the nearest unto the interest of mankind, then the reason of popular government come the nearest unto right reason” (1977, 171–72). This argument does not appear in *The Art of Lawgiving*. Vane's case for a free commonwealth is even less developed; moreover, it is strictly negative, merely from the failure of monarchy to respect the rights and liberties of the people (1656, 4–5). An emphasis on the problem of constitutional design in the writings of the late 1650s is perhaps understandable, given the political situation. In this context, Milton's arguments for democracy are even more interesting.

To find a writer devoting comparable energy to the case for a free commonwealth, we must look back to

²⁴I am more inclined to agree with the assessment of Corns (1995), which finds radical ideas inherent in Milton's writings throughout his political career.

²⁵This argument reappears in condensed form in the *Art of Lawgiving* (Harrington 1977, 603).

Marchamont Nedham's *The Excellencie of a Free State*, published 1656. This book presents in revised form a series of editorials Nedham had published in the official Commonwealth newspaper, *Mercurius Politicus*, under the supervision of Milton himself (who was therefore certainly familiar with their content). The first quarter of Nedham's work, more than 40 pages, is devoted to a methodical series of arguments—14, by his reckoning—tending to show that “a free-state or government by the people, settled in a due and orderly succession” of representative assemblies “is much more excellent than any other form” (1767, 42). In reality, these are mostly variations on a theme familiar from Machiavelli, namely, that since “they never think of usurping over other mens rights, but mind which way to preserve their own,” it follows “that the people . . . are the best keepers of their own liberties” (Nedham 1767, 2).

Reflecting on the experience of the ancient Romans, Nedham remarks that having expelled the kings, “the right of liberty, together with the government, was retained within the hands and bounds of the Patricians or Senatorian order of nobility,” and only later was some share of government extended to the people. Before this second development, “the nation was accounted free, because not subjected to the will of any single person: But afterwards they were free indeed, when no laws could be imposed upon them without a consent first had in the people's assemblies” (Nedham 1767, xxii). Commenting on this and similar passages, Skinner suggests that according to the English republicans,

. . . if a state or commonwealth is to count as free, the laws that govern it—the rules that regulate its bodily movements—must be enacted with the consent of all its citizens, the members of the body politic as a whole. For to the extent that this does not happen, the body politic will be moved to act by a will other than its own, and will to that degree be deprived of its liberty. (Skinner 1998, 27)

From this he concludes that “free states, like free persons, are thus defined by their capacity for self-government. A free state is a community in which the actions of the body politic are determined by the will of the members as a whole” (Skinner 1998, 26, emphasis added). In other words, living under a democratic constitution (partly) constitutes what it means to be free. Pettit provides a more detailed treatment of the conceptual logic underlying this view. First, suppose we define domination as follows:

One person is dominated by another . . . to the extent that the other person has the capacity to interfere in their affairs, in particular the capacity to

interfere in their affairs on an arbitrary basis. The capacity to interfere on an arbitrary basis is . . . the capacity to interfere in a person's life *without regard to their perceived interests*. (Pettit 1999, 165)

Liberty, therefore, requires that any interference with people's affairs pay due regard to their interests as they perceive them—or, as Pettit puts it in an earlier work, they must be “forced to track the interests and ideas of the person suffering the interference” (1997, 55). Now on this conception of what constitutes liberty as nondomination, it is obvious that only democracy “holds out a good prospect of forcing government to track the common, perceived interests of the populace” (Pettit 1999, 173). The argument from liberty as nondomination to democracy is thus all but an analytic truth.

Now it is indeed the case that Nedham repeatedly asserts a people cannot hope to enjoy their rights and liberties except under a democratic constitution, but this is not equivalent to the assertion that living under a democratic constitution is part of what it *means* to enjoy liberty. The latter claim is necessary and analytic, whereas the former is empirical and contingent. Skinner and Pettit glide over this subtle, but significant distinction in their account of classical republicanism. Nevertheless, once the distinction has been pointed out, it is clear Nedham intends to argue the former and not the latter. His 14 reasons “that the people . . . are the best keepers of their own liberties” (Nedham 1767, 2) are clearly directed at demonstrating, on a wide variety of empirical grounds, the contingent fact that the security of liberty is greatest under a democratic constitution (for example, because elections discourage corruption, because offices will be distributed by merit and not favoritism, because the people have less interest in domination than the nobility, and so on). If living under a democratic constitution a part of what it means to enjoy liberty, any such demonstration would be unnecessary.

Let's now return to the *Readie and Easie Way*. Like Nedham, Milton believes it is for good reasons that free commonwealths are “held by wisest men in all ages the noblest, the manliest, the equallest, the justest government, the most agreeable to all due libertie and proportiond equalitie, both human and civil” (VII, 424). Unlike Nedham, he does not present these reasons in an orderly manner, as perhaps is to be expected from the hurried circumstances of his composing the tract. Nevertheless, it is possible to identify and bring together the scattered strands of three focal arguments.

The first is an argument from the common good. Roughly, the idea is to show that a free commonwealth is “safer and more thriving in the joint providence and

counsel of many industrious equals, then under the single domination of one imperious Lord” (VII, 427). This is because the upshot of a free and public deliberation naturally tends towards the common good: as Milton writes in the *Areopagitica*, “though all the windes of doctrin were let loose to play upon the earth, so Truth be in the field, we do injuriously by licencing and prohibiting to misdoubt her strength.” Truth has a competitive advantage, one might say, in the marketplace of ideas: “let her and Falshood grapple; who ever knew Truth put to the wors, in a free and open encounter” (II, 561)? It follows that the “happiness of a nation must needs be firmest and certainest in a full and free Council of thir own electing, where no single person, but reason only swaies.” By contrast, decision making in a monarchy is not the upshot of a free and open debate, but rather the capricious whim of a single individual, advised only by courtiers, appointed by himself, who have no reason to be interested in the common good. Thus a people “must needs be madd or strangely infatuated, that build the chief hope of thir common happiness or safetie on a single person” (VII, 427). Moreover, whatever safeguards the people erect to defend the common good, a monarch will attempt to subvert: in the case of England, for example, kings have avoided calling Parliament as much as possible, they have filled public offices with royal favorites, and so on. Thus, while “ther may be such a king, who may regard the common good before his own,” nevertheless “it behoves not a wise nation to committ the summ of thir wellbeing . . . to fortune” (VII, 447–48).

The second argument we might call an argument from moral equality. The general moral equality of persons Milton establishes directly on the grounds of scripture. Citing Luke 22: 25–26 (“the kings of the gentiles . . . exercise lordship over them; . . . but ye shall not be so: but he that is greatest among you, let him be as the younger, and he that is chief, as he that serveth”), he goes on to ask,

. . . what government coms neerer to this precept of Christ, then a free Commonwealth; wherin they who are greatest, are perpetual servants and drudges to the public at thir own cost . . . ; yet are not elevated above thir brethren; live soberly in thir families, walk the streets as other men, may be spoken to freely, familiarly, friendly, without adoration. Wheras a king must be ador'd like a Demigod, with a dissolute and haughtie court about him, of vast expence and luxurie . . . (VII, 424–25)

To put it another way, the courtier spirit encouraged in a monarchy stands as an affront to the true moral equality

of human beings. “[H]ow a people . . . who have fought so gloriously for liberty,” Milton wonders, “can change thir noble words and actions, heretofore so becoming the majesty of a free people, into the base necessitie of court flatteries and protestations, is not only strange and admirable, but lamentable to think on.” Likewise, it is a wonder “how any man who hath the true principles of justice and religion in him, can presume or take upon him to be a kind and lord over his brethren . . . : how he can display with such vanitie and ostentation his regal splendor so supereminently above other mortal men” (VII, 428–29).²⁶

Now, while interesting in their own right, neither of these first two arguments connect the value of democracy to the value of liberty. The first is merely an instrumental argument that monarchy is less likely to secure the common interests of the community than elected magistrates. Indeed, Milton suggests this argument would not touch on elective monarchy, where the king might have incentives to look after the common good after all (VII, 427, 448).²⁷ The second applies to hereditary and elective monarchies equally well, and it cannot be construed as a merely instrumental argument. But the principle on which it relies is not liberty, but moral equality. The equality Milton has in mind might be the fact that no one is by nature born with the privilege to rule, in which case this second argument can be seen as an extension of his views in the *Tenure*.

It is only in the main third argument—and the one that receives the most attention in the *Readie and Easie Way*—that the value of liberty takes center stage. The argument proceeds as follows. As we have seen from the *Tenure*, men are naturally born free and establish government only so as to protect their liberties under the natural law from the insecurities and dangers of the state of nature. Moreover, since government holds its authority only at the sufferance of the people, the latter remain free to alter the former on any grounds, at any time. In the later 1650s, republicans like Henry Vane and Edward Sexby became disillusioned with the Protectorate, and despite his rather forced public profession of confidence in Cromwell in 1654 (IV, 666 ff.), it is natural to suppose that Milton too became persuaded that all governments have an inherent

tendency to encroach on political freedom.²⁸ He does not take this as a reason for returning to monarchy, however: on the contrary, it is precisely this fact that now provides the strongest possible grounds for remaining committed to a free commonwealth. The rationale is as follows: “if we returne to Kingship,” it follows inevitably that we will “begin to finde the old encroachments coming on by little and little”—this just by the nature of government in general, and monarchy at least as much as democracy in particular. But then “we may be forc’d perhaps to fight over again all that we have fought, and spend over again all that we have spent” vindicating political liberty against the tyranny of Charles I in the first place (VII, 423). This of course is the people’s right under the law of nature, but monarchs are “not to be remov’d, not to be controul’d, much less accus’d or brought to punishment, without the danger of common ruin, without the shaking and almost subversion of the whole land,” as the Civil War had clearly demonstrated (VII, 426). To make matters worse, having succeeded at great effort and cost to remove one tyrannical monarch, future kings, “never forgetting thir former ejection, will be sure to fortifie and arm themselves sufficiently for the future against all such attempts hereafter from the people” (VII, 449).

Now by contrast, “in a free Commonwealth, any governor or chief counselor offending, may be remov’d and punishd without the least commotion,” and thus the people’s liberties can easily be defended against any threatened encroachments (VII, 426–27). Milton here follows the observation of Nedham that “all powers are accountable for misdemeanors” in a democracy, and this “hath ever been the only bank against inundations of arbitrary power and tyranny” (Nedham 1767, 42–43). Thus, even on the assumption that a free commonwealth is no less likely to encroach on political liberty, the comparative ease and directness with which the people can exercise their right to choose their rulers under that form of government constitutes a powerful argument for its advantage over monarchy. And of course that assumption itself is probably unwarranted, for surely a king is “far easier corruptible by the excess of his singular power and exaltation” and not “equally dispos’d to make us happie in the enjoyment of our libertie under him” than are elected magistrates in a free commonwealth (VII, 449). This is because “kingship, though looking big, [is] yet indeed most pusillanimous, full of fears, full of jealousies,” whereas a

²⁶In *Paradise Lost* Milton similarly writes, “. . . To bow and sue for grace/With suppliant knee, and deify his power/Who from the terror of this arm so late/Doubted his empire, that were low indeed” (1993, 12).

²⁷But what are these incentives? Milton does not say. Perhaps monarchs will be motivated by the desire to see their children elected in succession.

²⁸Zagorin writes that despite this notorious passage, “it is impossible to avoid the conclusion that the events of the protectorate disillusioned” Milton (1954, 117). See also Woolrych (1980, 85–87) and Dzelzainis (1995b) for discussion.

free commonwealth is “most magnanimous, most fearless and confident of its own fair proceedings” (VII, 456–57). Monarchy is more likely to encroach on the political liberties of the people, even as it is more difficult for the people in turn to resist those encroachments.

This third argument clearly follows the spirit of the case laid out by Nedham (or, for that matter, Machiavelli) for the *Excellencie of a Free State*. That is,

that the people . . . are the best keepers of their own liberties . . . because they never think of usurping over other mens rights, but mind which way to preserve their own: whereas, the case is far otherwise among kings and grandees . . . ; for they naturally move within the circle of domination, as in their proper center; and count it no less security than wisdom and policy to brave it over the people. (Nedham 1767, 2)

Similarly, Milton's most important and most compelling argument for a free commonwealth or democracy is based on the greater security it is likely to secure for liberty as nondomination. But also like Nedham, he does not hinge his case on defining liberty as nondomination in such a way as to render the argument a mere analytic truth. On the contrary, the fact that Milton lays out the contingent, empirical connection between democracy on the one hand, and the security of liberty on the other, clearly demonstrates that he believed showing this connection a necessary step in the argument. This would not be the case if the argument were merely definitional.

Conclusion

Civic republicans like Skinner and Pettit have tried to find in the classical tradition an argument that is not there. The appeal of such an argument is perhaps understandable: no case for democracy, it might seem, can be more rigorous than one showing it to be a logically necessary deduction from the value of liberty as nondomination. On the other hand, the view of Nedham and Milton (and Machiavelli) has its own advantages. The price of analytic rigor is substantive weight: only if we keep our conceptions of liberty as nondomination and democracy clearly separate does the former provide an independent justification for the latter. Thus a careful examination of Milton's political writings lends further weight to the civic republicans' growing case against civic humanism, only to reveal new difficulties. The challenge now is to develop a rigorous and coherent argument for democracy based on the value of liberty as nondomination that, like Milton's, does not dissolve into definitional tautology.

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