Rethinking Political Liberty
by Quentin Skinner

If we wish to improve our understanding of the English civil war, one of the topics we shall need to reconsider is the debate between crown and Parliament over the issue of political liberty. Admittedly this may at first blush seem a strange and even a hackneyed claim to make. Surely the traditional whig interpretation always took the crown's attacks on the freedom of subjects to be among the leading causes of the war? And surely it was one of the main aspirations of the rival and hyper-whig interpretation popularized by Conrad Russell and his disciples to cast doubt on precisely that article of faith?[1] Has not the theme of liberty already been done to death?

My answer is that I am interested in a view of liberty entirely different from the one examined by the whig historians and their adversaries. These schools of thought were alike concerned with whether or not there was an assault on freedom in the sense of an increasing campaign of interference with the established rights and liberties of subjects in the period before 1642. According to the whigs, the crown was engaged on just such a campaign, which in turn explains why the presentation of the Petition of Right in 1628 figures as such a pivotal moment in the whig grand narrative. The Petition specifically charges that, although the people of England possess 'divers Rights and Liberties' under the law, they are being prevented from exercising them, subjected to vexatious compulsion and otherwise 'molested and disquieted' in a manner 'wholly and directly contrary' to the customs and statutes of the realm.[2] Similar objections were raised as soon as Parliament reconvened in 1640. This was the moment at which Henry Parker emerged as by far the most perceptive and resourceful protagonist of the parliamentarian cause. Parker's *Case of Shipmony*, first published in November 1640, begins by complaining in the same vein that the use of the royal prerogative to impose levies and forced loans 'is incompatible with popular liberty'.'[3] The tract ends by expressing the fear that England may soon be reduced to the level of France, where the king's absolute powers have oppressed the people and finally ruined the state.[4]

According to the revisionists, the whig historians habitually over-estimated these anxieties. This may well be so, although it seems to me that the revisionists have in turn underestimated them. But whatever may be the rights and wrongs of this well-worn dispute, I have no desire to rehearse them here. As I have said, I want instead to focus on a contrasting sense in which the crown's critics spoke about a loss of liberty. During this same period, they begin to put forward the separate and seemingly hyperbolical

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claim that the people of England no longer enjoy the status of free-men.[5] Their basic contention is that the very existence of the king's prerogatives serves to condemn the entire nation to a state of bondage and servitude.

Among the parliamentarian writers who pursue this line of thought, there was broad agreement about two elements in the idea of liberty. They generally accept that all men are by nature free from subjection to positive law. But they also agree that, even under the rule of law, it remains possible to live as a free-man. To retain this status, they argue, two conditions must in turn be satisfied. One is that you should be able to exercise your rights and liberties without undue interference. While this is a necessary condition, however, it is not sufficient, for it is possible to enjoy your liberties to the fullest degree without being a free-man. If the continuation of your liberties depends upon the arbitrary will of anyone else, then you are not a free-man but a slave, even though you may have the fullest *de facto* enjoyment of your liberties, and may therefore be able to act entirely as you choose. Knowing that you are free to act or not to act solely because there is someone who has chosen not to hinder you is what reduces you from the standing of a free-man to a state of servitude.[6] The second necessary condition of living as a free-man under a system of positive law is therefore that your capacity to exercise your rights and liberties must never be subject to anyone else's will.

As a number of royalist writers promptly demanded, what freedom can I possibly be said to lack if I have complete enjoyment of my rights and liberties?[7] The answer given by the writers I am considering is that your awareness of your dependence will act upon you as a bridle and a spur. You will find that there are many things you cannot manage to say or do, and many other things you cannot forbear from saying or doing. You will find, in other words, that you are obliged to censor yourself for fear of what might happen to you if you were to speak or act in defiance of the person upon whom you depend.

The parliamentarian writers like to illustrate this argument by reference to the bishops in the House of Lords. The right of the bishops to sit in the upper House was withdrawn in February 1642. The justification for this decision, it was claimed, arose from the fact that they had never acted as anything other than slavish hirelings of the crown. As Richard Ward explains in *The Vindication of the Parliament*, 'having their dependance upon the *King*', they felt constrained to 'side with him, in any thing, though it were adjudged by the *Parliament* to be destructive and hurtfull to the Kingdome'.[8] The author of *An Honest Broker* agrees that, due to their 'total dependances' on the king, the bishops were inevitably committed to 'advancing the Court by enslaving the Countrey'.[9] Both writers conclude that there can be no place for such dangerous servility in a free Parliament.

Bracton opens his *De legibus* by drawing exactly this contrast between the figure of the *liber homo* and that of the slave, in consequence of which

this distinction became firmly embedded in English common law from an early stage.[10] For the origins of the contrast, however, we need to turn to the law of Rome, and in particular to the rubric *De statu hominis* at the start of the *Digest*.[11] There we are told that slavery can be defined as 'an institution of the *ius gentium* by which someone is, contrary to nature, made subject to the dominion of someone else'.[12] This in turn is said to furnish a definition of civil 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. It likewise follows that what it means for someone to lack the status of a free subject must be for that person not to be *sui iuris* but instead to be *sub potestate*, under the power and hence subservient to the will of someone else.[13]

We already encounter this essentially Roman way of thinking about liberty in the parliamentary debates leading up to the Petition of Right in 1628.[14] Early in the session, Sir John Scudamore asked his fellow members seriously to consider 'whether we were slaves or bondmen', and whether 'our vital liberties did in a manner want life'.'[15] Supporting the Petition, Sir John Strangeways reaffirmed that 'the great work of this day, you know, is to free the subject'.'[16] The same commitments surfaced with a vengeance as soon as Parliament reconvened in 1640. When George Peard, a common lawyer, rose in the Short Parliament to denounce Ship-money, he complained that such levies take away 'not onely our goods but persons likewise', so that we pay the charges not as free men but as slaves.[17] Soon afterwards Henry Parker went on to denounce the levy in still more Roman tones. As we have seen, his *Case of Shipmony* begins and ends with a familiar plea to ensure that rights and liberties are not tyrannically undermined. But the principal argument of the tract is that the very existence of the king's power to impose levies without consent has the effect of reducing the people to servitude. 'It is enough that we all, and all that we have are at his discretion', for where all law is 'subjected to the Kings meer discretion', there 'all liberty is overthrowne'.[18] If it is left 'to his sole indisputable judgement' to levy charges 'as often and as great as he pleases', the effect will be to convert us from a free people into 'the most despicable slaves in the whole world'.[19]

This distinction between liberty and dependence, and hence between free-men and slaves, was thereafter taken up by most of the leading parliamentarian spokesmen at the beginning of the civil war. We encounter it in Henry Parker's *Observations* of July 1642,[20] in John Marsh's *Debate in Law* of September 1642[21] and in such anonymous tracts of early 1643 as *A Soveraigne Salve*[22] *An Honest Broker*[23] and *Touching the Fundamentall Lawes*.[24] But perhaps the clearest summary can be found in John Goodwin's *Anti-Cavalierisme*, first published in October 1642. What it means to be 'free men and women', Goodwin declares, is to have 'the disposall of your selves and of all your wayes' according to your own will, rather than being subject to the will of anyone else. If your rulers are in possession

of discretionary powers, you will be obliged to live 'by the lawes of their lusts and pleasures' and 'to be at their arbitterments and wills in all things'. But if they are able to 'make themselves Lords over you' in this fashion, then your birthright of 'civill or politick libertie' will thereby be cancelled, and you will instead be reduced to 'a miserable slavery and bondage'.[25]

It is striking that, although most of the spokesmen I have been quoting refer only to 'free-men', Goodwin explicitly speaks of 'free men and women'. Does he think that a woman can be a free-man? The question looks absurd, and among humanist writers on citizenship the absurdity had always been emphasized.[26] When humanists discuss the place of men and women in civil associations, they generally draw on classical assumptions about the figure of the *vir*, the eponymous possessor of *virtus* or civic virtue. One consequence is that the rights and duties of citizenship are seen in strictly gendered terms. When the humanists speak of the *vir*, what they have in mind is a virile figure by contrast with a woman. But if the distinctive quality of the *vir* is at the same time the possession of civic virtue, then it follows that the attributes needed for effective citizenship must be specifically male. This implication was forcefully underlined, with the result that the characteristic virtues of women were left to be described in wholly domestic terms. For a woman to lose her virtue simply meant that she was unchaste.

If we return, however, to the texts of Roman and common law, the position begins to look much less clear. As we have seen, the rubric *De statu hominis* in the *Digest* defines citizenship as the distinctive attribute not of the *vir* but of the *liber homo*. But it is crucial that, whereas the word *vir* denotes a man by contrast with a woman, the word *homo* simply means 'human being' and hence 'man or woman'. The effect is to raise the question of gender in relation to citizenship in a different way. To be a citizen it is necessary to be a *liber homo*; but to be a *liber homo* it is only necessary to be *sui iuris*, capable of acting independently of anyone else's will. There seems no reason, however, why at least some women – those with sufficiently large and independent financial means – should not be capable of acting in a spirit of complete independence. What, then, is to prevent them (other than the gender of the Latin words involved) from being counted as *liberi homines*? This possibility was admittedly blocked off in English law by the fact that a woman's property as well as her person became subject upon marriage to the will of her husband. But a number of anomalies remained. What about unmarried women who possessed their own inheritances? And what about widows whose property may have come to them in the form of outright bequests?

These questions were never squarely faced, but they remained to haunt the protagonists of Parliament throughout the 1640s. Ironically but unsurprisingly, it was the royalists who spoke up for women in a truly revolutionary way, especially in the course of attacking the parliamentarian theory of representative government. Dudley Digges's critique of

Henry Parker in *An Answer to a Printed Book* provides perhaps the earliest example. Parker had claimed in his *Observations* that, when Parliament makes a resolution, it is exactly as if the decision has been taken *ab omnibus* [by all], because the whole 'generality' elects its representatives in Parliament.[27] Digges retorts that this claim cannot possibly be justified so long as 'women generally by reason of their Sexe are excluded' from having a vote.[28] Soon afterwards Sir John Spelman in *A View of a Printed Book* responded to Parker yet more pointedly. If, Spelman declares, we are to speak of representing the whole generality, the right to vote will have to be massively extended. Among those who will have to be enfranchised are 'inheritrixes' – that is, heiresses who hold their own property by inheritance. So too with 'Jointresses' – that is, widows with property settled upon them for life. Why, as Spelman asks, should they be 'over mastered' by 'the Votes of those that are deputed by a miner number of the people?' He concludes that, as these and other examples show, it is blatantly false to say that members of Parliament are 'sent with equallity from all parts' and are 'sent by all'. So 'how doe they then represent all?'[29] How indeed? But it took several centuries for Spelman's objection to be met.

The point I have been labouring to underscore can be summarized as follows. When critics of the crown in the early 1640s stress the need to restore and uphold the freedom of their fellow subjects, they are not speaking merely or even mainly about the need to prevent their individual rights and liberties from being oppressed and curtailed. They are speaking about the need to rescue the free-born people of England from the loss of their standing as free-men. They are speaking, as they liked to proclaim, about the need to free the entire nation from its unjust condition of bondage and servitude.

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If we were to give due prominence to the view of freedom I have now anatomized, what fresh light might we be able to shed on the turmoil of the 1640s? I believe that several aspects of the conflict might begin to look rather different, but I shall confine myself to saying a word about two important episodes that would I think become easier to understand.

First I want to reconsider the contribution made by the Levellers to the constitutional debates that followed the surrender of the king in 1646. What exactly was their view at this juncture about natural and civil rights, and especially about the right to vote? These questions were extensively canvassed in the heyday of Marxist interpretations of the English revolution, but in the present generation they have been much less discussed. My reason for returning to them is to suggest that, if we were to bring to bear the distinction I have highlighted between freedom and slavery, we might be able to explain the position adopted by the Levellers and their opponents, especially at the Putney debates, in a new and more satisfying way.

The Marxist interpretation of the debates, as classically outlined by C. B. Macpherson, was that the Leveller spokesmen were in basic agreement about the suffrage. They thought of it as a civil and not a natural right, as a result of which they 'consistently excluded from their franchise proposals two substantial categories of men, namely servants or wage-earners, and those in receipt of alms'.[30] Among the Levellers who spoke at Putney, Macpherson's prize exhibits are accordingly Thomas Reade and Maximilian Petty, both of whom undoubtedly insist that, in Petty's words, 'we would exclude apprentices, or servants, or those that take alms' from having any right to vote.[31] One irony of this commitment, as Macpherson duly acknowledged, is that in this part of the argument Reade and Petty have no quarrel with Oliver Cromwell and Henry Ireton, both of whom likewise assume that, as Cromwell puts it, 'servants, while servants, are not included'.[32]

No sooner, however, had Macpherson proclaimed this 'underlying consistency' to be one of the cardinal 'facts' about Leveller political theory[33] than Keith Thomas showed that it failed to represent even the majority view of those who supported the Leveller cause at Putney.[34] As Thomas rightly emphasized, most of the Levellers expressed the strongly contrasting opinion that the right to vote is a natural right of 'every man', of 'every person in England', of 'every individual person in the kingdom.'[35] The reason why this must be so, as Colonel Thomas Rainborough declared in a celebrated intervention, is that 'every man that is to live under a government ought first by his own consent to put himself under that government.' It follows that even 'the poorest man in England' must therefore have a right to vote, since no one is 'bound in a strict sense to that government that he hath not had a voice to put himself under'.[36] Later in the debate, Captain Lewis Audley reiterated the point in even brisker tones. 'The right of every free-born man to elect', he agreed, simply follows from the rule that anything 'which concerns all ought to be debated by all'.[37]

Keith Thomas was undoubtedly justified in claiming that most Levellers at Putney accepted this argument, and consequently treated the right to vote as a right of every adult male. But C. B. Macpherson was equally justified in claiming that Petty and Reade, no less than Cromwell and Ireton, always insisted that servants, apprentices and alms-takers should be excluded. The question that accordingly remains is why these spokesmen rejected the idea of universal male enfranchisement.

Here again Macpherson and Thomas answer in strongly contrasting terms. According to Macpherson, the Levellers believed that servants and alms-takers as well as apprentices had 'lost a crucial part of their native freedom or property, namely the property in their own capacities or labour'.[38] By accepting wages or alms, they had alienated their right in their labour, and it was this act of alienation that lost them the 'full freedom' they needed in order to qualify for the vote.[39] Thomas, by contrast, doubts whether any general theory underpins the various exclusions demanded

by Petty and Reade. He notes that most of the Levellers seem to have treated apprenticeship as a self-evident reason for disenfranchisement, and he adds that this was likewise true in the case of criminal delinquency. But he concludes that 'there is little indication in the Leveller writings of other circumstances under which birth-right could be forfeited'.[40]

Thomas is surely right to be sceptical about Macpherson's explanation. It would be hard to show that any of the Levellers embraced the Marxist conception of labour-power that Macpherson imputes to them. But is Thomas justified in his further claim that there is no general explanation to be given of why some Levellers wished to limit the franchise? His conclusion has certainly had a profound impact on the literature. It has never to my knowledge been challenged, and this part of the story remains where his classic study left it.[41] It is symptomatic that, when Christopher Thompson later singled out Petty's contribution to the dispute, he went so far as to assert that Petty's exclusion of servants and alms-takers was definitely not based on any identifiable theoretical principle, but was merely a change of position adopted 'for tactical reasons' in the course of the debate.[42]

If we return, however, to the view of political liberty I have been highlighting, we find that there is in fact a general theory underpinning Ireton and Cromwell's agreement with Petty and Reade. They all assume a distinction between being free-born and being a free-man, and they all believe – by contrast with Rainborough and the rest – that the right to vote depends on being a free-man, not simply on the universal condition of being free-born. Ireton explicitly insists that the franchise should be confined to 'free men', and he states that by 'free men' he means those who are 'not given up to the wills of others' and are thus 'freed from dependence'.[43] Petty agrees that 'an equal voice in elections' should be given only to those who 'have not lost their birthright' of liberty, and he also agrees about what it means for that birthright to be lost.[44] 'The reason', he affirms, 'why we would exclude apprentices, or servants, or those that take alms, is because they depend upon the will of other men.' They are not independent agents, but are 'bound to the will of other men.'[45] They are excluded, in short, because they are living, as Reade observes, in a state of 'voluntary servitude'.[46]

We still find it assumed, even in the subtlest recent studies of the Putney debates, that the issue dividing Ireton and Cromwell from the main body of Leveller opinion was whether 'the basis of political rights', including the right to vote, should be grounded on 'property ownership or birthright'.[47] It is not strictly accurate, however, to suggest that, in rejecting birthright as the criterion, Ireton and Cromwell simply plumped for property ownership as the alternative. Like Reade and Petty, Ireton basically maintains that what qualifies you to vote is having an independent will. The reason why he equates this condition with property ownership is because he believes that only those with sufficient property to give them independence from the will of others will be capable of casting a genuinely free vote.

As he expresses the point, only someone with property may be said to have 'a permanent interest' in the kingdom, an interest 'upon which he may live, and live a freeman without dependence'. It is not the mere fact of owning property, but the distinctive ability of those with property to 'live upon it as freemen', and hence to act without servility, that gives them the entitlement to vote.[48] This was to remain the view of the leading defenders of the English 'free state' in the 1650s. As James Harrington, for example, was to express it in *A System of Politics*, 'the man that cannot live upon his own must be a servant; but he that can live upon his own may be a freeman'.[49]

The corollary of Cromwell and Ireton's view is that those without property should be excluded from the franchise on the grounds that they do not have a genuinely independent voice. This is the conclusion that Petty explicitly supports, and his reasoning in turn echoes that of the parliamentarian writers who had similarly rejected the right of bishops to vote in the House of Lords. Petty contends that, where we are dealing with servants who have masters, we know that, because 'they depend upon the will of other men', they will 'be afraid to displease them'. So we have good reason to believe that we already know how they will vote. The right decision will therefore be to deny them any separate voice, since their voice will never genuinely be separate. We ought instead to treat them as 'included in their masters', because it will certainly be their master's will that they express.[50]

It is true that these claims about the disenfranchising effect of living in dependence gave rise to a highly restricted view of the right to vote. But it is not true, as Macpherson affirms, that those Levellers who argued in these terms were repudiating the idea of universal manhood suffrage.[51] It is precisely the idea of universal *manhood* suffrage, as opposed to universal *male* suffrage, that Reade and Petty (no less than Cromwell and Ireton) appear to embrace. The reason why this commitment nevertheless gives rise to a limited franchise is that a large percentage of men, according to their view of things, lack the necessary attribute of manhood. Servants undoubtedly lack it, and so do bishops. To be 'your own man,' rather than someone else's creature, and hence to be in possession of true manhood, requires that you should be able to act *sui iuris*, to make up your own mind independently of the will and desires of anyone else. This is the test that servants, alms-takers, bishops and many other seemingly elevated persons all fail, and this is why they all deserve to be excluded.

What did the other Leveller spokesmen feel about this line of argument? The answer is not clear, for they never directly comment on it. One might have expected them to respond that we cannot voluntarily relinquish our birthright of liberty, and thus that any social arrangements under which our birthright is forfeited must for that reason be illegitimate. But in fact they seem to have accepted that it is possible to enter into a state of voluntary servitude, while denying that this is enough to justify disenfranchisement. As we have seen, they believe that, in order to qualify for the right to vote,

it is sufficient to be able to give your consent to government. But they also believe that, in order to give your consent, it is sufficient to be able to reason about your predicament. It follows that 'this gift of reason without other property', as Rainborough calls it, must be sufficient to endow all adult males with the right to vote, even if they may be living as servants or in receipt of alms.[52]

Before leaving the Levellers, it is worth adding a footnote about the underlying social ideal of 'being your own man'. One issue much discussed in recent liberal and so-called libertarian political theory has been the concept of self-ownership.[53] What does it mean to argue, as John Locke is celebrated for having argued, that everyone has an entitlement to the proprietorship of themselves? I want to suggest that one way of improving our understanding of this peculiar and elusive concept might be to reflect on parliamentarian and Leveller discussions about what it means 'to be your own man' and thus 'to live like a man' instead of living in servitude.

Consider, for example, the intensely rhetorical opening of Richard Overton's Leveller tract, *An Arrow Against All Tyrants And Tyrany*, first published in October 1646.[54] The natural condition of mankind, Overton begins, is one of liberty enjoyed 'equally and alike' by everyone. This liberty consists in part of a right to act freely, a right to enjoy your natural rights without being 'invaded or usurped' by anyone else. But this pristine liberty also consists in a right of self-ownership, 'for every one, as he is himselfe, so he hath a selfe-propriety, else could he not be himselfe'. I may therefore be said to have a natural right to 'enjoy *my selfe* and my selfe propriety'.[55]

One of the questions that Overton goes on to raise is how this natural right of self-ownership can be lost or taken away. We are said to forfeit it if we become subject to anyone else in such a way that they 'have power over us' to do 'as they list', without there being any means of controlling their arbitrary will and its potential exorbitancies. It makes no difference if those who 'have power over us, to save us or destroy us' happen to prefer to save us, so that they act 'for our weale' rather than 'for our woe'. Although they may leave us with the enjoyment of our rights and liberties, the fact that we remain at their mercy means that we have lost the essence of our liberty. The reason is that, if we depend upon their mere goodwill for the maintenance of our rights, we shall be living not as 'free people' but in a state of 'bondage, thraldome' and servitude.[56]

The loss of liberty we suffer when we acquire a master is thus equated with a loss of self-ownership, a loss of our 'naturall propriety, right and freedome' to act in such a way that 'we may be men and live like men' as opposed to living like slaves.[57] By contrast, the condition of self-ownership is equated with the ability to act according to one's own will, and hence with the ability to 'own' (that is, take responsibility for) the consequences of one's actions. So long as you are not beholden to anyone else, your actions – just like your goods – may be said to be fully your own. You may be said, in other words, to be your own man, your own person, not a mere creature

of anyone else.[58] This appears to have been the universal understanding of the phrase. Even Thomas Hobbes, who did so much to undermine the idea of freedom as a matter of being *sui iuris*, felt obliged to admit that, when we describe someone as being 'his own person', what we mean is that he 'acteth by his own authority' as opposed to acting 'by the authority of another'.[59]

This line of thought is arguably of much more than purely historical interest. Given that there has been so much discussion of late among political theorists about the meaning of self-ownership, it is striking (to say the least) to find that those who first introduced the concept into Anglophone political discourse appear to have meant something so precise and straightforward by it. What it means to have full property in yourself, they are telling us, is simply to be able to act independently of the arbitrary will of anyone else.

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I want to end by suggesting a second and still more important reason for reflecting on the view of liberty I began by laying out. To do so might help us towards a better understanding of the largest question of all, the question of why the civil war broke out in the summer of 1642. Suppose, for example, we re-examine the paper-war of the preceding months with the distinction between freedom and slavery at the forefront of our minds. We not only find that the protagonists of Parliament began to turn their allegations about national servitude into a leading charge against the crown; we also find that the ensuing argument proved to be a sticking-point for both sides.

The story that needs retelling begins on 26 January 1642. This was the day on which the House of Commons, expressing anxiety about its own safety and that of the people at large, first petitioned the king that 'the whole *Militia* of the Kingdome may be put into the hands of such persons as shall be recommended unto your Majestie' by Parliament.[60] By the middle of February the two Houses had agreed on a draft Ordinance granting them control of the Militia, and this they duly presented to the king. Professing himself amazed, Charles at first sought to temporize, but on 28 February he eventually made it clear that he would veto any such proposal if it were put to him. His tone was adamant: 'he cannot consent', he replied; 'he can by no meanes doe it.'[61]

Confronted by this promise to impose the veto – the so-called prerogative of the Negative Voice – Parliament responded by making a series of genuinely revolutionary moves. On 1 March the two Houses announced that, if the king continued to withhold his consent, they would pass the Militia Ordinance on their own authority. Four days later they did so, and on 15 March they went on to declare that the Ordinance 'doth oblige the people, and ought to be obeyed by the Fundamentall Laws of this Kingdome' notwithstanding its failure to secure the royal assent.[62]

This declaration instantly changed the entire terms of the debate. Parliament was no longer merely demanding control of the militia; it was

claiming the right to bypass the king's Negative Voice. It is hardly surprising, therefore, that Charles I should have taken this moment to be a sticking-point, as he was to recall in his speech on the scaffold seven years later.[63] He immediately countered that the Negative Voice is a fundamental and unquestionable feature of the constitution. It is impossible for any subject to be 'Obliged to Obey any Act, Order, or Injunction to which His Majesty hath not given His consent'.[64] Two months later, in his reply to Parliament's *Remonstrance* of 19 May, he prophetically added that he was prepared to uphold this doctrine 'with the sacrifice of Our life'.[65]

It is easy to understand why the king should have reacted so vehemently. As he was to explain in his *Answer to the XIX Propositions* in June 1642, to refuse him 'the freedom of Our Answer' was to deny him any part in the legislative process and was consequently 'destructive to all Our Rights'.[66] What proved fatal, however, was that Charles's insistence on this key prerogative turned out to be no less a sticking-point for Parliament. They responded by declaring that, at least in matters of national importance, the king has no Negative Voice at all. Sometimes they conceded that the royal assent needs to be solicited, although they added that the king has no right to withhold it.[67] But at other times they urged the stronger claim that, once the two Houses have promulgated a law, it becomes 'a high breach of the privilege of Parliament' for any such proposal to be 'controverted' or 'contradicted'. The royal assent, in other words, does not even have to be sought, and no attempt to impose a veto can have any binding force.[68]

During the spring of 1642, this argument over the Negative Voice was one of the things that put the crown and Parliament on a collision course. But what made Parliament dig in its heels at this particular point? Charles I had never even threatened to use his veto at any previous stage in his negotiations with Parliament, and until this moment it had barely seemed a matter for concern even to his leading adversaries. As recently as December 1641, even John Pym had spoken of the king's undoubted prerogative 'in making and enacting laws by parliament', and had acknowledged that it rests 'only in his power, to pass or refuse the votes of Parliament'.[69]

The answer, I want to suggest, again depends on recognizing the importance of the theory of political liberty I have been singling out. When Charles I made it clear that he would impose his veto, his opponents suddenly woke up to the fact that every decision of the two Houses of Parliament remained subject to the mere will of the king. But to live subject to the mere will of someone else, they had already proclaimed, is to live in a state of slavery. The inference they drew was that, since Parliament turns out to be wholly dependent on the will of the king, and since it is at the same time the representative assembly of the entire nation, the whole of the English people must be living in a condition of national servitude.

The first leading publicist to deploy this argument was Henry Parker in his *Observations* of July 1642. If, Parker now contends, we allow the king

to act in the last resort as 'the sole, supream competent Judge', then 'we resigne all into his hands, we give lifes, liberties, Laws, Parliaments, all to be held at meer discretion'.[70] But this will open up 'a gap to as vast and arbitrary a prerogative as the Grand Seignior has' in Constantinople.[71] Charles I had already complained in his *Answer to the XIX Propositions* that without his Negative Voice he would be reduced from the status of a king of England to a duke of Venice.[72] Parker daringly picks up the objection as a way of clinching his argument about national servitude. 'Let us look upon the Venetians, and such other free Nations', he retorts, and ask ourselves why it is that they are 'so extreamly jealous over their Princes'. The reason is that they fear 'the sting of Monarchy'; they fear 'that their Princes will dote upon their owne wills' and thereby reduce their subjects to slavery. It is 'meerely for fear of this bondage' that they prefer to avoid the rule of hereditary kings.[73]

These claims about national servitude were quickly taken up by other writers on behalf of Parliament.[74] A tract of 1 August entitled *Reasons Why this Kingdome ought to adhere to the Parliament* maintained that the king is claiming 'an unlimited declarative power of Law', so that 'the last Appeale must be to his discretion and understanding, and consequently, the Legislative power His alone'. But if this is allowed, then 'this whole Kingdome shall consist only of a King, a Parliament, and Slaves'.[75] A *Remonstrance* published a few days later reiterated that, if the kingdom is to be governed merely 'by the will of the Prince and his Favourites', they will soon be able to 'become masters of our Religion and liberties to make us slaves'.[76] Soon afterwards, the writer of *Considerations for the Commons* appealed to the nation to recognize that, if the king 'may at pleasure take away the very essence of Parliaments meerely by his owne dissent', then there can be no doubt that the people of England are living 'like slaves'.[77]

Still more important, the same argument now began to surface in the official pronouncements of Parliament. The *Declaration* of the two Houses on 14 July proclaimed that the stark choice now facing 'the free-born English Nation' is to adhere either to Parliament or else 'to the King seduced by Jesuiticall Counsell and Cavaliers, who have designed all to slavery and confusion'.[78] The same note was struck in the *Declaration* of 4 August, in which Parliament finally announced that it would take up defensive arms. Rehearsing the story of the crown's arbitrary rule, the two Houses conclude that the king's intentions have always been the same. His aim is not merely to keep control of the militia; his aim is to govern 'by the will of the Prince', and in this way 'to destroy the Parliament, and be masters of our religion and liberties, to make us slaves'.[79]

The question raised by this final *Declaration* is what the free-born people of England should now do to save themselves, confronted as they are by a misled king and a Malignant Party whose ambition is 'to cut up the freedom of Parliament by the root' and 'make them the instruments of slavery'.[80] Their resounding answer is that they must now prepare to fight.

The members of the two Houses declare that they themselves are now resolved 'to expose our lives and fortunes' to uphold 'the power and priviledge of Parliament'. Together with the securing of 'true Religion', they maintain, this is 'the true cause for which we raise an Army' and for which 'we will live and dye'.[81] Their final plea to the people is thus to join them in saving the free-born English from a condition of servitude.

Quentin Skinner is the Regius Professor of Modern History in the University of Cambridge and a Fellow of Christ's College Cambridge. His chief publications include *The Foundations of Modern Political Thought* (2 volumes, 1978); *Machiavelli* (1981); *Meaning and Context* (1988) *Reason and Rhetoric in the Philosophy of Hobbes* (1996); *Liberty Before Liberalism* (1998) and *Visions of Politics* (3 volumes, 2002).

NOTES AND REFERENCES

Warmest thanks to Ben Braddick, Rachel Foxley, Kinch Hoekstra, Susan James, Philip Pettit and the Editors for invaluable comments on earlier drafts.

1 'Hyper-whig' because, whereas the traditional whig narrative presupposed that traditional liberties were under threat, the so-called revisionists upheld the still more whiggish thesis that, since these liberties had been fully secured in the sixteenth century, they could hardly be in dispute. For two excellent critiques of the hyper-whig interpretation from this perspective see Johann P. Sommerville, *Royalists and Patriots: Politics and Ideology in England 1603–1640*, Harlow, 1999, pp. 224–65 and Alan Cromartie, 'The constitutionalist revolution: the transformation of political culture in early Stuart England', *Past and Present* 163, 1999, pp. 76–120.

2 *The Constitutional Documents of the Puritan Revolution 1625–1660*, ed. S. R. Gardiner, 3rd edn., Oxford, 1906, pp. 66–70.

3 [Henry Parker], *The Case of Shipmony briefly discoursed*, London, 1640, p. 2.

4 [Parker], *Shipmony*, pp. 44–6.

5 The term is sometimes printed as two words, sometimes as one, but is generally hyphenated.

6 The question as to whether this vision of liberty is inherently defensible has recently become a subject of extensive debate. For a classic exposition and defence see Philip Pettit, *Republicanism: a Theory of Freedom and Government*, Oxford, 1997. I have sought to defend the coherence of the theory myself, particularly in 'A Third Concept of Liberty', *Proceedings of the British Academy* 117, 2002, pp. 237–68. For a critique of Pettit's and my arguments see Matthew H. Kramer, *The Quality of Freedom*, Oxford, 2003.

7 See, for example, [John Bramhall], *The Serpent Salve*, n. p., 1643, p. 12.

8 [Richard Ward], *The Vindication of the Parliament And their Proceedings*, London, 1642, p. 19.

9 *A Miracle: An Honest Broker*, London, 1643, Sig. D, 4r.

10 Henry de Bracton, *De Legibus et Consuetudinibus Angliae, Libri Quinque*, London, 1640, I. VI, fo. 5.

11 For a fuller discussion see Quentin Skinner, *Liberty Before Liberalism*, Cambridge, 1998, pp. 36–57.

12 *The Digest of Justinian*, ed. Theodor Mommsen and Paul Krueger, translation ed. Alan Watson, 4 vols., Philadelphia, 1985, I. V. 4. 35, vol. 1, p. 15: 'Servitus est constitutio iuris gentium, qua quis dominio alieno contra naturam subicitur.'

13 *Digest*, ed. Mommsen and Krueger, I. VI. 1. 36, vol. 1, p. 17.

14 For a full analysis of these debates see Conrad Russell, *Parliaments and English Politics 1621–1629*, Oxford, 1979, pp. 323–89.

15 *Commons Debates 1628, Volume III: 21 April-27 May 1628*, ed. Robert C. Johnson, Mary Frear Keeler, Maija Jansson Cole and William B. Bidwell, New Haven, Conn., 1977, p. 193.

16 *Commons Debates* 1628, p. 214.

17 *Proceedings of the Short Parliament of 1640*, ed. Esther S. Cope and Willson H. Coates, London, 1977, p. 172.

18 [Parker], *Shipmony*, pp. 24, 27.

19 [Parker], *Shipmony*, p. 21.

20 [Henry Parker], *Observations upon some of his Majesties late Answers and Expresses*, London, 1642, pp. 9–10, 17, 43–4. See also [Henry Parker], *The Contra-Replicant, His Complaint To His Maiestie*, London, 1643, pp. 6–7.

21 John Marsh, *An Argument Or, Debate in Law*, London, 1642, pp. 13, 24.

22 *A Soveraigne Salve to Cure the Blind*, London, 1643, pp. 16-17, 36–8.

23 *An Honest Broker*, London, 1643, Sig. C, 2v-3r, Sig. E, 3v–4v.

24 *Touching the Fundamentall Lawes, Or Politique Constitution of this Kingdome*, London, 1643, pp. 10, 12 (*recte* 14).

25 John Goodwin, *Anti-Cavalierisme*, London, 1642, pp. 38–9.

26 On the humanist exclusion of women from the public sphere see Quentin Skinner, *Visions of Politics:* Volume II: *Renaissance Virtues*, Cambridge, 2002, esp. pp. 122–6.

27 [Parker], *Observations*, pp. 5–6.

28 [Dudley Digges], *An Answer to a Printed Book*, Oxford, 1642, p. 15. Thomason on the title-page of his copy ascribes this tract to 'Falk. Chilyw: Digges & ye rest of ye University'.

29 [Sir John Spelman], *A View of a Printed Book*, Oxford, 1643, p. 25.

30 C. B. Macpherson, *The Political Theory of Possessive Individualism*: *Hobbes to Locke*, Oxford, 1962, p. 107.

31 For Petty's formula, which is quoted in Macpherson, *Possessive Individualism*, p. 123, see *Puritanism and Liberty: Being the Army Debates (1647–9)*, ed. A. S. P. Woodhouse, London, 1938, p. 83.

32 *Puritanism and Liberty*, ed. Woodhouse, p. 82.

33 Macpherson, *Possessive Individualism*, pp. 110, 136.

34 Keith Thomas, 'The Levellers and the Franchise', in *The Interregnum: the Quest for Settlement 1646-1660*, ed. Gerald Edward Aylmer, London, 1972, pp. 57–78. Cf. also the important article by Iain Hampsher-Monk, 'The Political Theory of the Levellers: Putney, Property and Professor Macpherson', *Political Studies* 24, 1976, pp. 397–422, in which (esp. pp. 398–406) the defence of universal suffrage is taken to be the basic Leveller commitment at Putney.

35 For these phrases see *Puritanism and Liberty*, ed. Woodhouse, pp. 53, 59, 66, 75, 80.

36 *Puritanism and Liberty*, ed. Woodhouse, pp. 53, 61. John Wildman speaks in similar terms at p. 66.

37 *Puritanism and Liberty*, ed. Woodhouse, p. 81.

38 Macpherson, *Possessive Individualism*, p. 144.

39 Macpherson, *Possessive Individualism*, p. 146.

40 Thomas, 'The Levellers and the Franchise', p. 76.

41 It is important, however, to mention two recent studies of related themes. Rachel Foxley 'Citizenship and the English Nation in Leveller Thought, 1642–1653' (PhD dissertation, University of Cambridge, 2001) contains a valuable analysis of John Lilburne's view of 'Englishness'. Samuel Dennis Glover, 'The Putney Debates: Popular versus Ēlitist Republicanism', *Past and Present* 164, 1999, pp. 47–80 provides a similarly valuable discussion of the impact on Leveller thinking of classical and Renaissance republican ideas about the inclusion of the *plebs* in government.

42 Christopher Thompson, 'Maximilian Petty and the Putney Debate on the Franchise', *Past and Present* 88, 1980, pp. 63–9, at p. 69.

43 *Puritanism and Liberty*, ed. Woodhouse, pp. 78, 82.

44 *Puritanism and Liberty*, ed. Woodhouse, p. 53.

45 *Puritanism and Liberty*, ed. Woodhouse, p. 83.

46 *Puritanism and Liberty*, ed. Woodhouse, p. 83.

47 Patricia Crawford, '"The poorest she": women and citizenship in early modern England' in *The Putney Debates*, ed. Michael Mendle, pp. 197–218, at p. 200.

48 *Puritanism and Liberty*, ed. Woodhouse, p. 62.

49 James Harrington, *A System of Politics* in *The Commonwealth of Oceana and a System of Politics,* ed. J. G. A. Pocock, Cambridge, 1992, pp. 267–93, at p. 269.

50 *Puritanism and Liberty*, ed. Woodhouse, p. 83.

51 Macpherson, *Possessive Individualism*, pp. 107, 109.

52 *Puritanism and Liberty*, ed. Woodhouse, pp. 55–6.

53 For a classic analysis see Gerald Allan Cohen, *Self-Ownership, Freedom and Equality*, Oxford, 1995.

54 For a discussion of Overton's views on manhood and self-propriety see Nicholas McDowell, *The English Radical Imagination: Culture, Religion, and Revolution, 1630–1660*, Oxford, 2003, pp. 66–70.

55 Richard Overton, *An Arrow Against All Tyrants And Tyrany*, n.p., 1646, p. 3.

56 Overton, *An Arrow*, pp. 4, 5, 6.

57 Overton, *An Arrow*, pp. 5, 6.

58 Macpherson quotes the opening of *An Arrow* in *Possessive Individualism*, pp. 140–1, and recognizes (for example, pp. 148, 153) that the Levellers define unfreedom in terms of dependence. But he then insists (for example, pp. 148, 150) that they define freedom in terms of the capacity freely to dispose of one's own labour, thereby missing the point, as I see it, about 'being your own man'.

59 Thomas Hobbes, *An Answer to a Book Published by Dr Bramhall* in *The English Works of Thomas Hobbes*, ed. Sir William Molesworth, vol. 4, London, 1840, p. 311.

60 *An Exact Collection Of all Remonstrances, Declarations, Votes, Orders, Ordinances, Proclamations, Petitions, Messages, Answers*, ed. Edward Husbands et al., London, 1643, p. 59.

61 *Exact Collection*, ed. Husbands, pp. 90–1.

62 *Exact Collection*, ed. Husbands, p. 112.

63 *King Charls His Speech Made upon the Scaffold*, London, 1649, p. 4.

64 *Exact Collection*, ed. Husbands, pp. 113–14.

65 *Exact Collection*, ed. Husbands, p. 254.

66 *His Majesties Answer to the XIX Propositions of Both Houses of Parliament*, London, 1642, pp. 3, 13.

67 *Exact Collection*, ed. Husbands, p. 268.

68 *Exact Collection*, ed. Husbands, p. 114.

69 *The Parliamentary History of England, from the Earliest Period to the Year 1803. ... vol. 2: AD 1625–1642*, ed. William Cobbett and T. C. Hansard, London. 1807, col. 1003.

70 [Parker], *Observations*, pp. 43–4.

71 [Parker], *Observations*, p. 17.

72 *His Majesties Answer*, p. 17.

73 [Parker], *Observations*, p. 26.

74 For a fuller survey of this phase of the paper-war see Quentin Skinner, *Visions of Politics*, Vol. II: *Renaissance Virtues*, Cambridge, 2002, pp. 338–42.

75 *Reasons Why this Kingdome ought to adhere to the Parliament*, n.p., 1642, pp. 11, 14.

76 *A Remonstrance in Defence of the Lords and Commons in Parliament*, London, 1642, p. 5.

77 *Considerations for the Commons, in This Age of Distractions*, n.p., 1642. Sig. A, 3v.

78 *Exact Collection*, ed. Husbands, p. 464.

79 *Exact Collection*, ed. Husbands, p. 497.

80 *Exact Collection*, ed. Husbands, p. 494.

81 *Exact Collection*, ed. Husbands, p. 498.