LIBERTY
BEFORE
LIBERALISM

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Preface

Lecture about what he described as the general movement of ideas.\(^6\) To anyone whose historical interests centre on such movements, it is hard not to feel that the climacteric moment in British history came with the constitutional upheavals of the mid-seventeenth century. But this judgement is by no means to be taken for granted. Geoffrey Elton changed the face of British historiography by making it one of his avowed ambitions to demonstrate that the sixteenth century was a period of still more formative significance. No less telling and innovative has been the contribution of Patrick Collinson. With his enviable combination of learning and literary grace, Patrick continues to show us that, in the realm of ideas no less than in politics, the era encompassing the birthpangs of Protestant England and the Elizabethan Puritan movement cannot but be recognised as a major turning-point.\(^7\) I am very conscious that, in returning in what follows to the seventeenth century, I am returning to a scene transformed out of recognition by Elton’s and Collinson’s work on the preceding period.

\(^6\) Acton 1906a, p. 3.
\(^7\) See Collinson 1967 and 1988; see also below, chapter 1, note 32.

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When civil war broke out in England in 1642, the ideological initiative was at first seized by the opponents of Charles I’s regime. Among the defenders of parliament’s opposition to the crown, Henry Parker was perhaps the most influential of those who argued that, at least in times of national emergency, ‘the supreme judicature, as well in matters of State as matters of Law’ must lie with the two Houses of Parliament as representatives of the ultimately sovereign people.\(^2\) ‘The whole art of Soveraignty’, Parker declares in his Observations of 1642, depends on recognising ‘that power is but secondary and derivative in Prince’.\(^3\) ‘The fontaine and efficient cause is the people’, so that the

\(^2\) [Parker] 1934, pp. 208, 168.
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people's elected representatives have a right to 'judge of publike necessity without the King, and dispose of anything' when the freedom and safety of the people are at stake.\(^3\)

Parker's defence of parliamentary sovereignty was immediately countered by royalist affirmations to the effect that the king in person must be regarded as the sole 'subject' or bearer of sovereignty.\(^4\) Denouncing the allegedly 'new-coyned distinction' between 'the King and His authority', Charles I's apologists insisted that God 'hath expressed in Scripture that both Soveraignty and the person clothed with Soveraignty are of him, by him, and from him immediately'.\(^5\) Meanwhile a number of more cautious parliamentarians turned their attention to the actual workings of the British constitution and concluded that absolute or sovereign authority must instead lie with the body of the king-in-parliament. The anonymous author of England's Absolute Monarchy declared in 1642 that 'King and Parliament' are 'firmly united to make one

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absolute power',\(^6\) while Philip Hunton maintained in his Treatise of Monarchy in the following year that 'the sovereignty of our kings' is limited by 'the concurrent Authority of the other two Estates in Parliament'.\(^7\)

As the constitutional crisis deepened,\(^8\) a new voice cut through these well-worn arguments. The true subject or bearer of sovereignty, it was claimed, is neither the natural person of the monarch nor any corporate body of natural persons, but is rather the artificial person of the state. There were precedents for this contention among the Roman lawyers,\(^9\) and the argument was soon raised to a new peak of development by a number of natural-law philoso-

\(^3\) [Parker] 1934, pp. 168, 211.

\(^6\) England's Absolute Monarchy 1642, Sig. A, 3v.
\(^8\) I assume that there was a constitutional crisis, not just a breakdown in management, but for a classic statement of the more deflating thesis see Elton 1974, vol. II, pp. 164–82, 183–9. For an account of how Elton's argument has been elaborated by so-called revisionist historians of the period see Adamo 1993. For a critical discussion of the claim that the crisis was revolutionary in a Marxist sense see MacLachlan 1996, esp. pp. 55–63, 231–51.
\(^9\) The state is described as a union in which 'many doe knit in one power and will' in Hayward 1603, Sig. B, 3v. On the political theory of the English civilians in this period see Levack 1973, pp. 86–121. On the emergence during the same period of the idea of the state as an abstract entity distinguishable from both rulers and ruled see Skinner 1989.
phers in continental Europe, above all by Samuel Pufendorf in his account of the state as a compound moral person\(^{10}\) in his *De Iure Naturae et Gentium* of 1672.\(^{11}\) But within Anglophone political theory we can hardly avoid associating this move with the name of Thomas Hobbes.\(^{12}\) Hobbes began to develop his view of state sovereignty in his *De Cive* of 1642,\(^{13}\) but it was in his *Leviathan* of 1651 that he gave the definitive presentation of his case. There we read that the state or commonwealth 'is One Person, of whose Acts a great Multitude ... have made themselves every one the Author' and that 'he that carryeth this Person, is called SOVERAIN'.\(^{14}\) It is here, in short, that we first encounter the unambiguous claim that the state is the name of an artificial person 'carried' or represented by those who wield sovereign power, and that their acts of representation are rendered legitimate by the fact that they are authorised by their own subjects.

At the same time, there rose to prominence an associated view of the relationship between the power of the state and the liberty of its subjects. To be free as a member of a civil association, it was urged, is simply to be unimpeded from exercising your capacities in pursuit of your desired ends. One of the prime duties of the state is to prevent you from invading the rights of action of your fellow-citizens, a duty it discharges by imposing the coercive force of law on everyone equally. But where law ends, liberty begins. Provided that you are neither physically nor coercively constrained from acting or forbearing from acting by the requirements of the law, you remain capable of exercising your powers at will and to that degree remain in possession of your civil liberty.

This doctrine can also be found in the law of Rome,\(^{15}\) and was taken up by a number of legally

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\(^{10}\) Pufendorf uses the term *civitas*, but when his text was published in English in 1703 his translators rendered *civitas* as 'State'. See Pufendorf 1703, 7. 2. 13 and 14, pp. 151–2.

\(^{11}\) Pufendorf 1672, VII. 2. 13, p. 886 defines the state as 'a compound moral person whose will, united by the covenants of many individuals, is taken to be the will of all' ('Persona moralis composita, cuius voluntas, ex plurium pactis implicita & unita, pro voluntate omnium habetur'). At the same time he praises Hobbes for having ingeniously portrayed this person and adds in Hobbesian vein (VII. 2. 14, p. 887) that sovereign individuals and assemblies merely exercise the will of the state ('Voluntas civitatis exserit vel per unam personam simplicem, vel per unum concilium').


\(^{14}\) Hobbes 1996, p. 121.

\(^{15}\) Digest 1985, I. 1. 1, vol. I, p. 1, cites Ulpian for the view that the law chiefly makes us good by inducing fear of punishments ('metu
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minded Royalists immediately after the outbreak of the English civil war, including Griffith Williams, Dudley Digges, John Bramhall and, soon afterwards, Sir Robert Filmer.\textsuperscript{16} As before, however, the clearest formulation of this argument in mid-seventeenth-century England can be found in Hobbes's \textit{Leviathan}. Hobbes's presentation of the case is especially stark in its simplicity, since he maintains that even the coercive force of law leaves your natural liberty unimpaired. 'Generally all actions which men doe in Common-wealths, for \textit{feare} of the law, are actions, which the doers had \textit{liberty} to omit.'\textsuperscript{17} This paradoxical doctrine is rooted in the fact that, as a materialist and a determinist, Hobbes believes that matter in motion constitutes the only reality.\textsuperscript{18} The freedom of a man accordingly consists in nothing more than the

\textit{poenarum}). See also \textit{Digest} 1985, I. 5. 4, vol. I, p. 15, where Florentinus is cited for the view that 'liberty is the natural faculty of doing whatever one wants, unless the action in question is ruled out by the physical force or law' ('Libertas est naturalis facultas eius quod cuique facere libet nisi si quid vi aut iure prohibetur').

\textsuperscript{16} Williams 1643, esp. pp. 82–4; [Bramhall] 1643, esp. p. 70; [Digges] 1643, esp. p. 14; Filmer 1991, esp. pp. 267–8. Similar arguments were used to insist that, despite their apparent subjection, wives are not unfree. See Sommerville 1995, pp. 79–113.

\textsuperscript{17} Hobbes 1996, p. 146.

\textsuperscript{18} For this assumption and its effect on Hobbes's doctrine of the will see Gauthier 1969, pp. 5–13.

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fact that his body is not hindered from acting according to its powers. 'A free-man, is he, that in those things, which by his strength and wit he is able to do, is not hindered to doe what he has a will to.'\textsuperscript{19} When we say of someone that they have acted freely, this is simply to say that they have performed an action which they had a will to perform, and have done so without external let or hindrance. When, by contrast, we say of someone that they lack the freedom to act in some particular way, this is simply to say that an action within their powers has been rendered impossible by the intervention of some external force.\textsuperscript{20}

As this account reveals, Hobbes has no objection to speaking in traditional terms about the faculty of the will in relation to human actions. When he invokes this terminology, however, he always insists that the will is nothing more than 'the last Appetite in Deliberating', and thus that the operations of the will are always caused by the factors affecting the agent's deliberation as well as being the eventual cause of the agent's action.\textsuperscript{21} This in turn means that it makes

\textsuperscript{19} Hobbes 1996, p. 146.

\textsuperscript{20} If the action is not within their powers, what they lack is not the freedom but the ability to act. See Hobbes 1996, p. 146 and cf. Skinner 1990a, esp. pp. 123–8.

\textsuperscript{21} Hobbes 1996, p. 45.
no sense to speak of being coerced into acting against your will, since the will lying behind your action will always be revealed by your action itself.

We can now see the sense in which you remain free according to Hobbes when you act in obedience to law. When the law coerces you into obeying by activating your fears about the consequences of disobedience, it does not do so by causing you to act against your will, thereby causing you to act less than freely. It always does so by inducing you to deliberate in such a way that you give up your will to disobey, acquire a will to obey, and thereafter act freely in the light of the will you have acquired.²²

Hobbes is no less emphatic, however, that the threat of punishment embodied in the law does of course serve, as he carefully puts it, to ‘conforme’ your will, and that the usual reason for your conformity will be the terror you feel when you envisage the consequences of disobedience.²³ So the ‘artificial

²² But as Brett 1997, pp. 228-32 has perceptively shown, there is a confusion in Hobbes’s argument at this point. The possession of your corporeal liberty (freedom from external impediments) obviously presupposes the possession of your natural liberty (the natural right of using your powers at will). But according to Hobbes 1996, p. 120, you give up your natural liberty when you covenant to become a subject.

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dcribed no rule, there the Subject hath the Liberty to do, or forebeare, according to his own discretion.27 You remain free as a subject so long as you are neither physically nor legally coerced.

As Hobbes himself always emphasised, one of his aims in putting forward this analysis was to discredit and supersede a strongly contrasting tradition of thought in which the concept of civil liberty had instead been associated with the classical ideal of the civitas libera or free state.28 This rival theory had also been a prominent feature of Roman legal and moral argument, and had subsequently been revived and adapted by the defenders of republican libertà in the Italian Renaissance,29 above all by Machiavelli in his Discorsi on Livy’s history of Rome.30 As soon as the theory I have been describing was put forward by Digges, Hobbes, Filmer and other royalists in the

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course of the English revolution, a number of supporters of the parliamentary cause responded by reasserting this classical understanding of liberty, thereby giving renewed prominence to what is perhaps best described as the neo-roman element in early-modern political thought.31

With the reception of humanist values in Renaissance England, this neo-roman theory had already struck some deep and ramifying roots. Patrick Collinson has shown how ‘quasi-republican modes of political reflection and action’ were already present in later Elizabethan society.32 Soon afterwards such ‘politic’ humanists as Richard Beacon and Francis Bacon began to draw on Machiavellian ideas about the vivere libero,33 while similar ideas began to appear in the drama and poetry of the period, perhaps most

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31 I have previously spoken not of the neo-roman but the republican theory of liberty. See Skinner 1983 and Skinner 1990c. But this usage now seems to me liable to mislead. See below, notes 174 and 176.
32 See Collinson 1990, p. 23, challenging Pocock’s analysis. It is a particular pleasure to be able to cite this path-finding piece of research by Patrick Collinson, since he presented these findings in his Inaugural Lecture as Regius Professor of Modern History at Cambridge.
notably in Sir Philip Sidney’s *Arcadia* and in Ben Jonson’s Roman plays. Thereafter, the theory of free states continued to be a thorn in the side of contractarian as well as patriarchal theories of government until well into the eighteenth century. The theory was revived to attack the alleged despotism of the later Stuarts by such writers as Henry Neville in his *Plato Reditivus* and Algernon Sidney in his *Discourses Concerning Government*, both of whom were spurred into action by the supposed threat of popery and tyranny in the early 1680s. Later, the same theory was opportunistically taken over by Lord Bolingbroke and his circle in the 1720s as a means of denouncing the whig oligarchy dominated by Sir Robert Walpole. Most contentiously of all, it was subsequently restated by Richard Price and other so-called commonwealthmen to defend the American colonists and their unilateral declaration of independence from the British crown in 1776.

I want to focus, however, on those who fastened on neo-roman ideas after the regicide of 1649 and the official proclamation of England as ‘a Commonwealth and Free State’. We find the neo-roman theory at the heart of the propaganda commissioned by the new government in its own defence. Marchamont Nedham, the editor of the official newspaper *Mercurius Politicus*, published a series of editorials from September 1651 to August 1652 with the express purpose of teaching his fellow-citizens what it means to be ‘settled in a state of freedom’.

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36 I have recounted this chapter of the story in Skinner 1974.
38 Gardiner 1906, p. 388. For recent surveys of republicanism in the 1650s see Worden 1991; Scott 1992; Pocock and Schochet 1993. See also the excellent outline in Worden 1994a, 1994b and 1994c.
39 As Worden 1994a, pp. 61–2 points out, however, we find these arguments mounted only after the decisive battle of Worcester (September 1651). Before then, *de facto* defences of the Rump Parliament predominated, on which see Wallace 1964 and Skinner 1972.
40 Nedham 1767, p. xii. On Nedham’s editorials see Frank 1980, p. 90.
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Nedham’s editorial labours were licensed and supervised by John Milton, who was appointed one of the secretaries to the newly created Council of State in March 1649. Milton was likewise required to place his eloquence at the disposal of the new regime, and drew extensively on classical ideas of freedom in the tracts he published in defence of the commonwealth between 1649 and 1651, especially in the second edition of his *Eikonoklastes* in 1650.

These commitments were echoed by many lesser writers in support of the commonwealth in the early 1650s, including George Wither, John Hall, etc.

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Francis Osborne and John Streater. But the culminating moment in the emergence of a fullscale republican theory of freedom and government in England came in 1656. After two disastrous years of constitutional experiment, Oliver Cromwell resolved in May to summon a new parliament. The opportunity to denounce the protectorate and plead for a genuinely republican settlement was immediately seized by Marchamont Nedham, who revised his earlier editorials and republished them as *The Excellency of a Free State* in June 1656. Within a few months the same opportunity had been seized by James Harrington, who produced what is arguably the most original and influential of all the English treatises on free states, *The Commonwealth of Oceana*, which first appeared towards the end of 1656.

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41 On Nedham’s relations with Milton see Frank 1980, esp. p. 86 and Worden 1995.
42 Corns 1995, esp. pp. 26–7 and 36–40, shows that Milton’s tracts in defence of the commonwealth already embody republican values. He rightly singles out the ideal of citizenship, but in *Eikonoklastes* the neo-roman theory of liberty arguably plays the more subversive role. See below, chapter 2, note 40. On the literary tactics used by Milton to discredit the *Eikon Basilike*, see Zwicker 1993, pp. 37–59.
43 But Worden 1994a, pp. 57–9, 64–8 rightly stresses that, although Nedham and Milton were writing official propaganda, they were at the same time highly critical of the new regime.
46 [Osborne] 1811. For the ascription of Osborne’s tract and the date of its first appearance (1652) see Wallace 1964, p. 405; see also Smith 1994, pp. 190–1.
47 On Streater see Smith 1995.
48 On this version see Pocock 1975, pp. 381–3; Frank 1980, pp. 93–100; Worden 1994a, pp. 74–81. On the relationship between the two versions see Frank 1980, appendix B, pp. 184–5. As Worden 1994a, p. 81 notes, Nedham’s text was republished in 1767 in the context of the debate over the American colonies. This is the edition I use.
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The cause of the English republic was not to prevail. As the political chaos deepened after the death of Oliver Cromwell in 1658, the restoration of the monarchy came to seem only a matter of time. The immediate hopes of the English republicans expired in a final burst of eloquence when John Milton published The Readie and Easie Way to Establish a Free Commonwealth, the second edition of which appeared in April 1660 when preparations were already underway to welcome the returning Charles II. 50 Nevertheless, the period of the Interregnum left behind it the richest legacy of neo-roman and republican writings of the seventeenth century, in addition to nurturing the political sensibilities of such writers as Henry Neville and Algernon Sidney, both of whom sat as young members of the Long Parliament from the mid-1640s until it was forcibly dissolved by Cromwell in 1653. 51

50 On the consistency of Milton’s republicanism at the end of the 1650s see Dzelzainis 1993.
51 Robbins 1959, p. 32; Scott 1988, pp. 86, 100–1.

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II

When the neo-roman theorists discuss the meaning of civil liberty, they generally make it clear that they are thinking of the concept in a strictly political sense. They are innocent of the modern notion of civil society as a moral space between rulers and ruled, 52 and have little to say about the dimensions of freedom and oppression inherent in such institutions as the family or the labour market. They concern themselves almost exclusively with the relationship between the freedom of subjects and the powers of the state. For them the central question is always about the nature of the conditions that need to be fulfilled if the contrasting requirements of civil liberty and political obligation are to be met as harmoniously as possible. 53

52 They frequently use the term ‘civil society’, but only to distinguish the state of nature from the state in which we live as members of a commonwealth. See, for example, Harrington 1992, pp. 8, 23. As a result, they sometimes contrast civil society with the family. See, for example, Sidney 1990, II, 5, p. 96.
53 I have deliberately used the terms freedom and liberty interchangeably here et passim. Pitkin 1988 rightly insists that the terms are not synonymous. But the fact remains that, among the writers I am considering, nothing of philosophical importance is felt to hang on the differences. See, for example, Hobbes 1996, p. 145, opening his
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When considering this question, these writers generally assume that the freedom or liberty they are describing can be equated with— or, more precisely, spelled out as—the unconstrained enjoyment of a number of specific civil rights. It is true that this way of expressing the argument is not to be found in any of their ancient authorities, nor in any of the neo-roman writers on the vivere libero from the Italian Renaissance. Machiavelli, for example, never employs the language of rights; he always limits himself to describing the enjoyment of individual freedom as one of the profits or benefits to be derived from living under a well-ordered government. By contrast, most

chapter on the liberty of subjects by speaking of 'LIBERTY, or FREEDOME'.

Although the writers I am considering generally speak of absence of restraint (rather than constraint), they assume that your liberty is undermined when you are coerced into acting as well as when you are coercively prevented. Since 'constraint' covers both eventualities (while 'restraint' only covers the latter) it seems the better word to use. Harrington is self-conscious about the matter, and prefers to speak of constraint. See Harrington 1992, p. 22. (Neville adopts the same usage: see Neville 1969, e.g., p. 111.) For a discussion of the terminological issue in precisely these terms, see the account of the correspondence between Jeremy Bentham and John Lind in Long 1977, pp. 54–61, and cf. Miller 1994, pp. 393–5, and Pettit 1997, p. 42.

See Machiavelli 1960, I, 16, p. 174 and II, 2, p. 284, where he speaks of comune utilità and profitti; he never speaks of diritti.

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of the English writers I am considering (Harrington is the major exception) reveal a strong admixture of the radical political theory of the Reformation, according to which the state of liberty is the natural condition of mankind. Milton summarises the conventional wisdom with magnificent assurance at the start of The Tenure of Kings and Magistrates in 1649 when he announces that no one 'can be so stupid to deny that all men naturally were borne free, being the image and resemblance of God himself'.

The notion of a state of nature, and the claim that this condition is one of perfect freedom, were assumptions wholly foreign to the Roman and Renaissance texts. Among the seventeenth-century writers, however, they gave rise to the contention that these primitive liberties must be recognised as a God-given birthright, and hence as a set of natural rights which, in Milton's phrase, it becomes 'one main end' of government to protect and uphold.

54 On this background see Salmon 1959, esp. pp. 80–8, 101–8.
56 On this background see Salmon 1959, esp. pp. 80–8, 101–8.
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Nedham makes the point even more emphatically. Not only are we endowed by God with a number of ‘natural rights and liberties’, but ‘the end of all government is (or ought to be) the good and ease of the people, in a secure enjoyment of their rights, without pressure and oppression’ from rulers or fellow-citizens.\(^{59}\)

It is no part of the purpose of these writers to list these natural rights in any detail. But they generally take them to include freedom of speech, freedom of movement and freedom of contract, and they often summarise them in the form of the claim that all citizens have an equal right to the lawful enjoyment of their lives, liberties and estates.\(^{60}\) John Hall makes an interesting addition to this familiar litany when he speaks of our ‘pristine Liberty, and its daughter Happiness’, adding that a further duty of government is to enable us to enjoy ‘the positive Happiness of a civil Life’.\(^{61}\) But most of the neo-roman writers

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content themselves with enjoining our rulers, in Nedham’s words, to uphold ‘security of life and estate, liberty and property’.

Sidney, for example, speaks of ‘the laws that enjoin the preservation of the lands, liberties, goods and lives of the people’, while Neville repeatedly speaks of ‘lives, liberties and estates’, invoking the phrase that John Locke was later to make canonical in his Two Treatises of Government.\(^{64}\)

When these writers turn to consider these freedoms and how they can best be preserved, they invariably bring to bear two basic assumptions about the idea of civil liberty.\(^{65}\) It is on these assumptions

\(^{59}\) Nedham 1767, pp. 87, 11.

\(^{60}\) For the acceptance of this contention by all parties in later seventeenth-century England see Harris 1990.

\(^{61}\) [Hall] 1700, pp. 10, 15. Given that Thomas Jefferson read Harrington, and given that Jefferson subsequently yoked together ‘life, liberty and the pursuit of happiness’, it is suggestive that John Hall’s


\(^{63}\) Neville 1969, pp. 122, 125, 131, 185; cf. Locke 1988, esp. II. 123, p. 350. On Locke’s account of these rights see Tully 1980, pp. 163–74.

\(^{64}\) Up to this point, the assumptions of the writers I am considering were shared by those who defended the parliament at the outbreak of the civil war by reference to the ‘monarchomach’ claim (put forward, as we have seen, by Henry Parker among others) that the people, naturally free and originally sovereign, merely delegate their sovereign powers to be exercised for their benefit, while retaining ultimate rights of sovereignty and in consequence the right to remove any ruler acting to their detriment rather than benefit. On this ‘monarchomach’ theory see Skinner 1978, vol. II, pp. 302–48. For Parker’s articulation of the theory in 1642 see [Parker] 1934, esp.
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that I now wish to concentrate. One reason for adopting this focus is that their views about the meaning of liberty have seldom been subjected to detailed analysis. But my principal reason is that the theory of liberty they espouse appears to me to constitute the core of what is distinctive about their thought. More than their sometimes ambiguous republicanism, more even than their undoubted

pp. 168, 170–1, 186. Some commentators have called this line of thought ‘republican’. See, for example, Tuck 1993, pp. 221–53. But while Parker is clearly opposed to tyranny, and while his line of argument was capable of being deployed (as it was by Milton) to defend the regicide, it is not inherently republican in the sense of embodying a repudiation of the institution of monarchy. Parker himself insists that he is ‘zealously addicted to Monarchy’. See [Parker] 1934, p. 207. A fully fledged republicanism only emerges once the two distinctive premises of the writers I am considering are added to the argument.

66 This is not the least to say, however, that I have lacked for guidance. For the Roman background see Wirszabski 1960 and Brunt 1988; for Machiavelli’s views on liberty see Colish 1971; for Machiavelli’s and Harrington’s views see the classic discussion in Pocock 1975, esp. pp. 186–8, 196–9, 392–3; for Sidney see Scott 1988, esp. pp. 35–42; Houston 1991, esp. pp. 108–22; Scott 1991, esp. pp. 201–28. For a general discussion, to which I am especially indebted, see Pettit 1997, esp. pp. 17–78.

67 Pettit 1997, p. 15 characterises the writers I am discussing as exponents of ‘republican freedom’. As I have noted, however, this usage is liable to mislead. Some were republicans in the strict sense of repudiating the institution of monarchy, but others stressed the

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commitment to a politics of virtue, their analysis of civil liberty marks them out as the protagonists of a particular ideology, even as the members of a single school of thought.

The first of their shared assumptions is that any understanding of what it means for an individual citizen to possess or lose their liberty must be embedded within an account of what it means for a civil association to be free. They accordingly begin by focusing not on the freedom of individuals but rather on what Milton calls ‘common liberty’ or ‘free government’, what Harrington calls ‘the liberty of a commonwealth’, and what Sidney later calls ‘the Liberties of Nations’. As Nedham’s title resoundingly reminds us, the leading aspiration of all these

compatibility of their theory of liberty with regulated forms of monarchical government. See below, notes 174 and 176.

68 Worden 1994a, p. 46 argues by contrast that ‘it is as a politics of virtue that republicanism most clearly defines itself’.

69 For the same emphasis in the Roman sources see Wirszabski 1960, pp. 4–5. Note by contrast that, in ‘monarchomach’ texts such as Henry Parker’s Observations of 1642, there is no discussion of free states; the question of whether England can or ought to become a free state is never raised.


72 Sidney 1990, II. 31, p. 303; cf. III. 34, p. 514.
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writers is to vindicate ‘the excellency of a free state’.73

The clue to understanding what these writers mean by predicating freedom of entire communities lies in recognising that they treat as seriously as possible the ancient metaphor of the body politic. Nedham opens The Excellency of a Free State by comparing ‘motions in bodies natural’ with those in bodies civil, and repeatedly speaks of ‘the body of the people’ and ‘the whole body of a commonweal’.74 Harrington similarly refers in Oceana to ‘the whole body of the people’ and later informs us in his System of Politics that ‘the form of a government is the image of man’.75 But it is Neville who makes the most systematic use of the traditional imagery, employing it to provide the framework of the three dialogues that go to make up his Plato Redivivus. He begins by introducing us to three characters, one of whom is a Noble Venetian, a member of the body politic currently enjoying the best state of political health.76 We learn, however, that he himself has lately been
distempered in body, and has come to England in search of medical advice.77 This serves to introduce us to the second participant in the dialogues, the figure of the Doctor by whom he has been cured. We then learn that both these characters wish to enquire of the third participant, an English Gentleman, about the comparable distempers afflicting the body politic of his native land. The Gentleman duly assures them that the English state has lately collapsed in so much agony that it has almost expired.78 The rest of the dialogues are then given over to outlining the Gentleman’s plans for restoring the body politic of England to health.79

The principal way in which these writers pursue this metaphor is by examining the sense in which natural and political bodies are alike capable of possessing and forfeiting their liberty. Just as individual human bodies are free, they argue, if and only if they are able to act or forbear from acting at will, so the bodies of nations and states are likewise free if and only if they are similarly unconstrained from using their powers according to their own wills in

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73 Nedham 1767, title page.
76 Neville 1969, p. 82.
77 Neville 1969, pp. 73–4.
78 Neville 1969, p. 81.
79 Neville 1969, p. 76.
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pursuit of their desired ends. Free states, like free persons, are thus defined by their capacity for self-government.\textsuperscript{80} 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.

An obvious inspiration for this commitment is provided by Machiavelli's \textit{Discorsi}, the opening of which defines free cities as 'those which are governed by their own will'.\textsuperscript{81} Nedham picks up the idea at the start of his \textit{Excellency of a Free State}, declaring that in speaking of free peoples we are speaking of those who act as 'keepers of their own liberties'.\textsuperscript{82} Sidney in his \textit{Discourses} later refers yet more directly to the underlying analogy with the freedom of individuals. "'Tis ordinarily said in France, il faut que chacun soit servi a sa mode; Every man's business must be done according to his own mind: and if this be true in particular persons, 'tis more plainly true in whole nations."\textsuperscript{83}

These assumptions carry with them a number of constitutional implications to which the neo-roman theorists almost invariably subscribe. One is that, 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.\textsuperscript{84} 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.

Nedham develops this argument in the course of explaining what made the ancient Romans a free people. They were 'free indeed' because 'no laws could be imposed upon them without a consent first had in the people's assemblies'. He infers that 'the only way to prevent arbitrariness, is, that no laws or dominations whatsoever should be made, but by the people's consent.'\textsuperscript{85} Harrington enlarges on the same

\textsuperscript{80} While this analogy is present in all the seventeenth-century writers I discuss, it is even more plainly stated by some of the eighteenth-century commonwealthmen. See, for example, Price 1991, pp. 22, 79, 84.
\textsuperscript{81} Machiavelli 1960, I, 2, p. 129 speaks of cittadi free from servitù as those governate per loro arbitrio.
\textsuperscript{82} Nedham 1767, p. 2 et passim.
\textsuperscript{83} Sidney 1990, III. 16, p. 403.
\textsuperscript{84} Note the contrast with John Locke's understanding of consent in his \textit{Two Treatises of Government}. As Dunn 1969, pp. 141-7 shows, Locke employs the concept only to talk about the origins of legitimate government. Cf. Locke 1988, esp. II. 95-122, pp. 330-49. The writers I am considering add the more radical demand that each law must be enacted with the consent of those who will be subject to it. On the associated question of Locke's understanding of political liberty see Tully 1993, pp. 281-323.
\textsuperscript{85} Nedham 1767, pp. xxii, 32-3; cf. pp. 28-9, 114-15.
point in his quirkiest style when he maintains that the fundamental secret of free government is known to any girl who has ever been asked to cut a cake. Take two girls, he says, who 'have a cake yet undivided, which was given between them. That each of them therefore may have that which is due, "Divide", says one unto the other, "and I will choose; or let me divide, and you shall choose." If this be but once agreed upon, it is enough.' More ponderously, but in the same spirit, Sidney defines a free state as 'a compleat body, having all power in themselves over themselves', in which everyone is 'equally free to enter into it or not', so that no one can 'have any prerogative above others, unless it were granted by the whole'.

Critics have sometimes complained that to speak of a body politic as the possessor of a will is a confused and potentially dangerous piece of metaphysics. But the neo-roman theorists are at pains to insist that they have nothing at all mysterious in mind. When they speak about the will of the people, they mean nothing more than the sum of the wills of each individual citizen. As Harrington puts it, 'the people, taken apart, are but so many private interests, but if you take them together they are the public interest'. Nor are they so naive as to assume that we can always – or even very frequently – expect these wills and interests to converge on any one outcome. Rather they assume that, when we speak about the will of the people, we must in effect be referring to the will of the majority. Osborne sardonically assures us that the people are 'so modest as to confesse themselves and their judgments implicitly contain'd in the suffrages of the major part, though the law pass'd be never so contrary to their sense'. Nor do they ever declare this to be a wholly satisfactory solution to the problem of minority rights. They merely insist (as we do) that it is hard to think of a better procedural rule for enabling bodies of people to act. As Sidney explains, the reason why we are bound to regard the will of the majority as conclusive is that government becomes impossible if everyone retains 'a right, by their dissent, to hinder the resolutions of the whole body'.

86 Harrington 1992, p. 22.
87 Sidney 1990, II. 5, p. 99.
88 See, for example, the cautionary remarks in Berlin 1958, esp. pp. 17, 19, 43.
89 Harrington 1992, p. 166.
91 Sidney 1990, II. 5, p. 104.
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A further constitutional implication suggested by the metaphor of the body politic is that the government of a free state should ideally be such as to enable each individual citizen to exercise an equal right of participation in the making of laws. For this alone will ensure that all acts of legislation duly reflect the explicit consent of every member of the body politic as a whole. As Nedham affirms, if the people are to have 'any real liberty', they must be 'possessed of the power' of 'enacting and repealing laws' and 'duly qualified with the supreme authority'.\(^{92}\) Milton agrees that, if we are to count as a free people, we must submit only to 'such Laws as our selves shall choose'.\(^{93}\) Sidney later adds that, when we speak of nations that have enjoyed liberty, we mean those nations that 'were, and would be, governed only by laws of their own making'.\(^{94}\)

It is acknowledged, however, that self-government in this literal sense poses some almost insurmountable difficulties. Of these the most obvious, as Harrington observes, is that 'the whole body of the people' is 'too unwieldy a body to be assembled'.\(^{95}\)

Sir Thomas More had put forward one possible solution in his *Utopia* of 1516, at the time when the ideal of the *civitas libera* was first being seriously canvassed in England. A genuine *res publica*, More suggests, must take the constitutional form of a federated republic. One of the first things we learn about the newly discovered island of Utopia is that its citizens live in fifty-four self-governing cities that manage their own affairs by means of annually elected magistrates chosen from among themselves.\(^{96}\) Milton enthusiastically takes up the idea in his *Ready and Easie Way to Establish a Free Commonwealth*, in which he ends by proposing that 'every countie in the land' should become 'a kinde of subordinate Commonalty'.\(^{97}\) The effect will be to enable the body of the people 'in all things of civil government' to have 'justice in thir own hands', so that they will have 'none then to blame but themselves, if it be not well administered'.\(^{98}\)

Among the writers I am considering, however, few exhibit any enthusiasm for giving what Nedham calls 'the confused promiscuous body of the people'

\(^{92}\) Nedham 1767, pp. xv, 23.
\(^{93}\) Milton 1962, p. 519.

\(^{96}\) More 1965, pp. 112, 122.
any direct share in government.\footnote{Nedham 1767, p. 38.} Even Milton complains that the masses tend to be ‘exorbitant and excessive’,\footnote{Milton 1962, p. 343.} while Neville thinks it obvious that they are ‘less sober, less considering, and less careful of the public concerns’ than is necessary for strict self-government.\footnote{Neville 1969, p. 102.} Sidney summarises the general attitude in his usual tones of aristocratic fastidiousness. ‘As to popular government in the strictest sense (that is pure democracy, where the people in themselves, and by themselves, perform all that belongs to government), I know of no such thing; and if it be in the world, I have nothing to say for it.’\footnote{Sidney 1990, II. 19, p. 189.}

The right solution, they generally agree, is for the mass of the people to be represented by a national assembly of the more virtuous and considering, an assembly chosen by the people to legislate on their behalf.\footnote{Some further constitutional implications come into view at this point. We are being told that, if the freedom of the commonwealth is to be upheld, there must be a willingness on the part of the people (or their representatives) to devote their time and energy to acting for the common good. To state the assumption in the terminology of the Renaissance texts, the people must possess virtù.} There is sharp disagreement, however,

over the type of legislative body best adapted to this purpose in the case of the English commonwealth. Some contend that the House of Commons is adequately representative in itself. This is the emphatic view of such writers as Osborne, Nedham and Milton in the opening years of the commonwealth. Hired propagandists of the Rump Parliament, whose ordinances had abolished the monarchy and the House of Lords, they dutifully insist that, as Osborne puts it, ‘the house of commons’ is now ‘the fairest, most natural, and least partial representative of the whole nation’.\footnote{[Osborne] 1811, p. 163.} Nedham agrees that ‘the people’s representatives in parliament’ now constitute ‘the... But the problem is that virtù is rarely encountered as a natural quality: most people prefer to follow their own interests rather than the common good. To put the point again in Renaissance terminology, the people incline to corruzione, not virtù. The main constitutional implication is that, if civic virtue is to be encouraged (and public liberty thereby upheld), there will have to be laws designed to coerce the people out of their natural but self-defeating tendency to undermine the conditions necessary for sustaining their own liberty. I have attempted to pursue this aspect of the argument in Skinner 1981, esp. pp. 56–73, and in Skinner 1983 and 1984. On the place of civic virtue in republican theories of citizenship see also Oldfield 1990, esp. pp. 31–77, and Spitz 1995, esp. pp. 341–427. For the clearest statement among the writers I am considering the idea that the people may have to be forcé d’être libre, see Milton 1980, esp. p. 455.
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supreme power of the nation’,\textsuperscript{105} while Milton never ceased to thunder out the same message. We still find him proclaiming as late as 1660 that ‘a free Commonwealth without single person or house of lords, is by far the best government’, and thus that in England the House of Commons constitutes ‘the only true representatives of the people, and thir libertie’\textsuperscript{106}

Harrington makes it plain in Oceana that he is appalled by this view of parliament,\textsuperscript{107} if only because it ignores the moral of the story about the girls and the cake. To govern with only one council is to place the right to deliberate and the right to enact policies in the same hands. As the girls well know, however, if the same councillors divide and choose, there will be nothing to stop them from keeping the whole cake for themselves. This makes it essential to govern with two separate councils, one of which deliberates while the other carries out what has been agreed. Harrington further believes that the deliberative council ought to take the form of an elected senate drawn from the nobility, his rather optimistic reason being that ‘the wisdom of the commonwealth is in the aristocracy’.\textsuperscript{108} By contrast, the executive council should remain in the hands of the populace – or rather, their elected representatives – on the grounds that ‘the interest of the commonwealth is in the whole body of the people’.\textsuperscript{109}

It is hardly surprising that, after the restoration of the British monarchy and House of Lords in 1660, it was Harrington’s view that prevailed, even among the most radical of the neo-roman writers on free commonwealths. Neville follows Harrington, as he so often does, by speaking in favour of a senate and a house of representatives, adding that the senate should be elected by parliament as a whole.\textsuperscript{110} As doubtless befitted the son of an earl,\textsuperscript{111} Sidney speaks even more fervently of the need for ‘a great and brave nobility’ to temper the absolutism of monarchs and the excesses of the multitude.\textsuperscript{112} Thereafter the ideal of a mixed and balanced constitution remained at the heart of the proposals put forward by the so-called commonwealthmen in the eighteenth century,

\textsuperscript{105} Nedham 1767, pp. ix–x.
\textsuperscript{106} Milton 1980, pp. 429, 447.
\textsuperscript{107} Harrington 1992, esp. pp. 64–6.
\textsuperscript{108} Harrington 1992, pp. 21–2.
\textsuperscript{109} Harrington 1992, pp. 22, 64–6.
\textsuperscript{110} Neville 1969, pp. 103, 192.
\textsuperscript{111} On Sidney’s family background see Scott 1988, pp. 43–58.
\textsuperscript{112} Sidney 1990, I. 10, p. 31; II. 16, pp. 166–70; III. 37, pp. 526–7.
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and eventually came to be enshrined (with the
monarchical element converted into a presidential
one) in the constitution of the United States.

III

I now want to consider the other distinctive argument
put forward by the neo-roman theorists about the idea
of civil liberty. This further claim emerges as soon as
they turn to discuss those states which are governed
not by the will of their own citizens, but rather by the
will of someone other than the community as a
whole. Speaking of such states, they again disclose
how seriously they take the analogy between natural
bodies and political ones. They assume that what it
means to speak of a loss of liberty in the case of a body
politic must be the same as in the case of an individual
person. And they go on to argue – in the clearest
proclamation of their classical allegiances\(^{112}\) – that
what it means for an individual person to suffer a loss
of liberty is for that person to be made a slave. The
question of what it means for a nation or state to

possess or lose its freedom is accordingly analysed
entirely in terms of what it means to fall into a
condition of enslavement or servitude.\(^{114}\)

Once again, Machiavelli’s Discorsi provides an
obvious inspiration for this line of thought. Machia-
velli’s opening chapters largely hinge on a distinction
between cities which ‘began their lives in freedom’\(^{115}\)
and cities ‘which in origin were not free’\(^{116}\) the latter
being described in turn as living in servitude.\(^{117}\) John
Hall closely follows this analysis in comparing the
achievements of ancient Rome, which ‘brought forth
good Laws and Augmentations of Freedom’, with
the predicament of so many modern monarchies,
which ‘ languish in a brutish Servitude’ and live ‘like
Slaves’.\(^{118}\) Milton mounts the same comparison at

\(^{112}\) It seems important to underline this point, if only because a
number of recent commentators (notably Rahe 1992) have argued
for a sharp distinction between ancient and modern republicanism.

\(^{114}\) The contrast between freedom and slavery is noted in Wirszubski
1960, pp. 1–3; Pocock 1977, p. 57; Worden 1994b, pp. 100–1. See
also Houston 1991, pp. 102, 108–22 on the distinction between
freedom and slavery as Sidney’s starting-point. But it is Pettit who
has done most of all to bring out the significance of the contrast.
See Pettit 1997, esp. pp. 22, 31–2, an analysis to which I am deeply
indebted.

\(^{115}\) See Machiavelli 1960, I, 1, p. 129 for the claim that Rome enjoyed a
‘principio libero’.

\(^{116}\) See Machiavelli 1960, I, 1, p. 126 on Florence’s lack of an ‘origine
libera’.

\(^{117}\) Machiavelli 1960, I, 2, p. 129 on cities living in ‘servitù’.

\(^{118}\) [Hall] 1700, p. 15.
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the outset of his Readie and Easie Way, the work in which his study of Machiavelli’s Discorsi is displayed to the best effect.\textsuperscript{119} He begins by crying out against 'this noxious humor of returning to bondage', and later speaks of bodies politic under monarchy as living in 'detested slavedom' under 'regal bondage' and the yoke of slavery.\textsuperscript{120} Sidney begins his Discourses in precisely the same way, drawing a fundamental distinction between 'free nations' and those which have 'lived in slavery', a contrast which thereafter runs throughout the whole book.\textsuperscript{121}

The authorities on whom these writers chiefly rely for their understanding of slavery are the Roman moralists and historians. But the views of these ancient authorities had in turn been derived almost entirely from the Roman legal tradition eventually enshrined in the Digest of Roman law. It is accordingly to the Digest that we need to direct our attention if we wish to recover the concepts and distinctions that came into general use.\textsuperscript{122}

\textsuperscript{119} For Milton’s study of Machiavelli’s Discorsi (undertaken in 1651–2) see Armitage 1995, p. 207 and note.
\textsuperscript{120} Milton 1980, pp. 407, 409, 422, 448–9.
\textsuperscript{121} Sidney 1990, I. 5, p. 17.
\textsuperscript{122} The views of the Roman jurists on slavery are cited and discussed in Garnsey 1996, esp. pp. 25–6, 64–5, 90–7.
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can always be directly oppressed by those who own them. But it is worth recalling that one of the ironies most frequently explored in Roman comedy centres on the reversal of the master–slave relationship, and specifically on the ability of resourceful slaves to evade the implications of their own servitude. The audacious figure of Tranio in Plautus’s *Mostellaria* offers perhaps the most memorable illustration of the theme. Due to the fact that his master is benevolent and usually absent, Tranio is able to boast that he has never suffered any direct oppression at all.

In what sense, then, is such a slave unfree? The *titulus* immediately following *De statu hominis* in the *Digest* makes it clear that, if we wish to understand the essence of servitude, we need to take note of a further distinction within the law of persons: the distinction between those who are, and those who are not, *sui iuris*, within their own jurisdiction or right. A slave is one example – the child of a Roman citizen is another – of someone whose lack of freedom derives from the fact that they are ‘subject to the jurisdiction of someone else’ and are consequently ‘within the power’ of another person.

This resolves the apparent paradox of the slave who manages to avoid being coerced. While such slaves may as a matter of fact be able to act at will, they remain at all times in *potestate domini*, within the power of their masters. They accordingly remain subject or liable to death or violence at any time, as even the figure of Tranio is obliged to recognise. The essence of what it means to be a slave, and hence to lack personal liberty, is thus to be in *potestate*, within the power of someone else.

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126 Book 1 of the *Digest* acknowledges that slaves are persons, but Book 41 (on ownership) makes it clear that, as Aristotle had declared, they are merely living tools. On this dual aspect see Gavresc 1996, pp. 25–6.

127 The theme constantly recurs in the comedies of Plautus, in particular in the *Bacchides*, *Epidicus*, *Mostellaria* and *Pseudolus*.

128 When the action opens, Tranio’s master has been absent in Egypt for three years. See Plautus 1924, lines 78–9, p. 296.

129 *Digest* 1985, l. 6. *titulus*, vol. I, p. 17: *De his qui sui vel alieni iuris sunt*.


133 Rightly stressed in Pettit 1997, pp. 32, 35.


135 Plautus 1924, line 37, p. 292.

136 The phrase echoes throughout later discussions of slavery in the *Digest*. See, for example, *Digest* 1985, 2. 9. 2, vol. I, p. 32; 9. 4. 33.
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The Roman moralists and historians draw extensively on this account, while adding to it by speaking of slavery as that condition in which someone is obnoxius, perpetually subject or liable to harm or punishment. Although the term obnoxius occurs with some frequency in the Digest, the jurists employ it almost exclusively to refer to the condition of legal liability. Among the moralists and historians, however, we find the term applied more widely to describe the predicament of anyone who depends on the will – or, as we say, on the goodwill – of someone else. Sallust, for example, complains in


This may seem a blankly anachronistic claim, but the views I have been taking from the Digest were of course assembled from earliest jurists, and it is this common background on which the Roman moralists and historians draw. They do so in particular when describing slaves as being in potestate, within the power of someone else. See, for example, Seneca, De Ira, 3. 12. 7 in Seneca 1928–35, vol. I, p. 286 and Seneca, De Beneficiis, 3. 22. 4 in Seneca 1928–35, vol. III, p. 168. On slaves as persons in potestate see also Livy 8. 15. 8 in Livy 1926, p. 62 and Livy 37. 34. 4 in Livy 1935, p. 388.


According to the New Testament – drawing here as so often on the assumptions of Roman moral philosophy – this describes the nature of the relationship between ourselves and God: we depend entirely on His benevolence. It appears to have been due to the translation of Luke 2.14 in the Authorised Version that the term ‘goodwill’ first came to be widely used as a way of describing the benevolence we hope to encounter at the hands of those under whose power we live.

Sallust 1931, 20. 6–7, p. 34: ‘postquam res publica in paucorum potentium ius atque dicionem concessit ... ceteri omnes ... eis obnoxii’. Livy similarly speaks of being obnoxius as equivalent, in the case of a community, to being subject to the power of another one. See Livy 7.30.3 in Livy 1924, p. 456; Livy 37. 53. 4 in Livy 1935, p. 446.

Sallust 1931, 20. 6–7, p. 34 speaks of living in subservience as a loss of libertas.

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the mercy of others, 143 besides using the term to refer to the condition of dependence suffered by those who forfeit their liberty. 144

It is this analysis of slavery that underlies the account given by the neo-roman writers of what it means for a civil association to possess or lose its liberty. Perhaps the most important conduit for the transmission to early-modern Europe of this view of the civitas libera was Livy’s history of Rome. 145 The opening books of Livy’s history 146 are chiefly given over to describing how the people of Rome liberated themselves from their early kings and managed to found a free state. 147 A free state, Livy explains, is one in which there are annually elected magistracies 148 and an equal subjection of every citizen to the

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rule of law. 149 Such a state can therefore be defined as a self-governing community in which – as Livy adds in a phrase much echoed by the neo-roman writers – ‘the imperium of the laws is greater than that of any men’. 150 It follows not merely that tyranny but all forms of monarchical government must be incompatible with the maintenance of public liberty. Throughout his opening books Livy continually contrasts the rule of Rome’s early kings with the freedom acquired by the Roman people when the Tarquins were finally expelled. 151

When Livy speaks, by contrast, of the mechanisms by which free states lose their liberty, he invariably equates the danger involved with that of falling into slavery. 152 His opening books make use of standard legal terminology to explicate the idea of public

146 For this phrase see Livy 3. 38. 9 in Livy 1922, p. 126; Livy 6. 20. 14 in Livy 1924, p. 266; Livy 6. 40. 6 in Livy 1924, p. 336.
147 Livy 2. 1. 7 in Livy 1919, p. 220; Livy 4. 24. 4–5 in Livy 1922, p. 332.
148 Livy 2. 3. 2–4 in Livy 1919, p. 226; Livy 3. 45. 1–2 in Livy 1922, p. 146.
149 Livy 2. 1. 1 in Livy 1919, p. 218: ‘imperiaque legum potentiora quam hominum’. For similar phrases in Ciceron and Sallust see Wirszubska 1960, p. 9. For Harrington’s use of the phrase in Ocean see below, chapter 2, note 39.
150 Livy 1. 17. 3 in Livy 1919, p. 60; Livy 1. 46. 3 in Livy 1919, p. 160; Livy 2. 1. 1 in Livy 1919, p. 218; Livy 2. 9. 2–6 in Livy 1919, p. 246; Livy 2. 15. 2–3 in Livy 1919, pp. 266–8.
151 Livy 1. 23. 9 in Livy 1919, p. 80; Livy 3. 37. 1 in Livy 1922, p. 120; Livy 3. 61. 1–3 in Livy 1922, p. 204; Livy 4. 15. 6 in Livy 1922, p. 308.
servitude, describing communities without liberty as living in *potestate*, within the power or under the dominion of another nation or state.¹⁵³ In his later books, however, he sometimes invokes a different formula that subsequently proved to have great resonance with the neo-roman writers of the early-modern period. He describes the mark of public servitude as that of living in a condition of dependence on the will of another nation or state.¹⁵⁴ The clearest instance occurs in the passage in which he recalls the efforts of the Greek cities to restore their good relations with Rome. The requisite policies, one of their spokesmen is made to say, presuppose the possession of *libertas*, the ability 'to stand upright by means of one's own strength without depending on the will of anyone else.'¹⁵⁵

As James Harrington remarks in *Oceana*, it was this account of ancient freedom that Machiavelli found in Livy and bequeathed to the modern world.¹⁵⁶ Livy

¹⁵³ Livy 5. 20. 3 in Livy 1924, p. 68; Livy 8. 19. 12 in Livy 1926, p. 76.
¹⁵⁴ Livy 42. 13. 12 in Livy 1938, p. 330.
¹⁵⁵ See Livy 35. 32. 11 in Livy 1935, p. 94 on *libertas* as the quality 'quae suis stat vinibus, non ex alierno arbitrio pendet'. Cf. Wirszubski 1960, p. 9.

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and Machiavelli, together with Sallust, became the greatest literary heroes of the writers I am considering: Harrington praises Machiavelli as 'the onely politician of later ages',¹⁵⁷ while Neville goes so far as to speak of Machiavelli as incomparable and even divine.¹⁵⁸

Drawing on these authorities, the neo-roman writers speak of two distinct routes to public servitude. First of all, they take it for granted that a body politic, like a natural body, will be rendered unfree if it is forcibly or coercively deprived of its ability to act at will in pursuit of its chosen ends. More than this, they treat the use of such force against a free people as nothing less than the defining mark of tyranny.¹⁵⁹ This explains why Charles I's attempted arrest of the five members of the House of Commons in January 1642 came to be regarded by the exponents of the 'whig' interpretation of the English revolution as (in Macaulay's words) the 'resolution the most momen-