

Political liberty and the concept of citizenship in early modern English political discourse

I

This paper tries to bring together two bodies of literature, one in the history of political thought that has been concerned with the question of republicanism in early modern England, and one in social history concerning the character and extent of officeholding in early modernity. In doing so it sets out to be an English essay and appraisal of the claim of Begriffsgeschichte, that the concept, as an historical subject, can be carried by practices as much as by lexical markers. Both Citizenship, and political liberty can be construed as practices as well as lexical markers, and each have histories, and each of those histories turn out to be mutually entangled.

To sketch out the argument a little without giving away the whole plot: Whilst the practices associated with citizenship were surprisingly widespread, the word 'Citizen' was used in a largely specific and descriptive sense related to towns. Liberty – more commonly liberties – were contingently possessed by those whose membership of some body endowed them with that privilege.¹ That one's political freedom depended on some such membership is strikingly revealed by a particular locution that differs paradigmatically from that of modernity. . Men (it was usually, but not exclusively men) were said to be free *of* – meaning *by virtue of* – the corporations of which they were members. By contrast in modern usage, the locution 'free of' is used to designate not what *endows* one with freedom(s) but what it is that might have *impeded* one's enjoyment of it. In modernity, freedom has become an ascriptive property of individuals, not their contingent possession. there is accordingly, for us point in rehearsing how we came by it. In English the concept of freedom has moved from specific, contingent, institutionally defined and derived freedoms, to a background universal presumption against which restrictions have to be justified. The conceptual history of 'citizen' I suggest, tracks that of 'freedom', in moving from a specific and descriptive to a more universal and ascriptive role, But in the case of citizen there is an additional problem of how the language and the practice came to fit as they now do.

¹ This is true of town corporations, and of trades or craft guilds. The equivalent in the countryside refers either to those with holdings to the value of 40/- p.a., and so a vote in parliamentary elections, or, later, to distinguish tenures which did not entail service in kind to the landlord – 'base tenures'.

I proceed by taking three brief snapshots, one around 1600, one during the English Civil War and another in the 1790s.

II

The earliest recorded uses of the term ‘citizen’ in England (1314 - citizenship is a much later coinage),² refer, as in many European vernaculars, to the inhabitants of a town, and more especially those possessing the rights, privileges, or freedoms of the corporation of that town. The Town characteristically possessed a charter granting liberties or freedoms from feudal obligations, the right to hold a market, rights of assembly, and to establish and benefit from educational and other foundations established there. . Those rights were guarded and exercised by the aldermen or burgesses appointed or elected under the charter. In all but the most oligarchic charters a wider group of ‘freemen’ also enjoyed rights and privileges – freedoms - we might say - which might include the right to stand for election; or to elect or review the acts of those who could. Even those below such exalted positions nevertheless enjoyed *some* freedoms; for by living in a town one largely escaped the feudal obligations incurred by living in the manorial countryside. The existence of both narrow and wide, denotations of ‘citizen’ – to refer to the town’s officeholders and freemen as well as its inhabitants - thus reflected practice and there was sense in lumping the two categories together. A curious feature (for inhabitants of modern states) of tying citizenship to cities was that those who were most likely to be fully active agents of the national political community (Lords, knights of the shire or County representatives and their 40/-electors) - conceptually citizens in the modern sense, were - being country dwellers - most *unlikely* to be lexically designated ‘citizens’.

A more English way of expressing citizens’ status was to say that they were ‘freemen’ of London, or Exeter, or wherever; and ‘freeman’ also had this double meaning of being entitled to hold office, but also of being ‘free of’ the feudal countryside. There were thus, at this point, two locutions in which to express what was still only one, meaning of the concept of citizenship – the possession of privileges resulting from inhabiting a city. One of these locutions was lexically identical with the term which denotes the concept we are interested in, although it was the other – freeman - which was more commonly deployed. Neither of these terms, however, denoted the

² *O.E.D* ‘citizen’

active member of the national polity. Part of our story must be to outline how the term ‘citizen’ came to map onto its concept.

Twenty years ago Patrick Collinson published the seminal article : ‘The Monarchical Republic of Queen Elizabeth I’. The argument, and its imagery recalled Montesquieu’s famous claim that in England a ‘republic was disguised as a monarchy’³ In Elizabethan England, claimed Collinson, ‘citizens were concealed within subjects.’

Collinson instanced two exemplars at different ends of the social scale. The ‘republic’ of Elizabeth’s privy councillors and MPs who benefited from enough of a renaissance education to imagine themselves as virtuous citizens contributing not to a realm or a kingdom but to a commonwealth – and they acted accordingly. In the Bond of Association of 1584, they pledged themselves - by the authority ‘residing in the body politic’ - to exclude from the throne anyone (including an otherwise legitimate successor) who might be the beneficiary of a violent act against the Queen. Even more strikingly, a Bill introduced by Lord Burghley provided for interim rule by the Privy Council and *their* choice of successor, in the event of Elizabeth’s sudden death; a move that has provoked irresistible parallels with the events of 1688.⁴ These major actors at the state level argued Collinson, conceived of themselves in civic mode, as citizens – highly aristocratic citizens, but as citizens nonetheless, and ones with strikingly extensive freedom of political action.

Collinson’s second sketch was of the other end of the social spectrum. It depicted a the village of Swallowfield, Wiltshire, a village – like many - without gentry, where the local administration devolved fully on the common people. In such villages, countless English subjects, with very modest incomes and no knowledge of Cicero, spoke in public meetings, voted on local issues, raised and disposed of local taxes, and believed themselves to have the standing and prerogatives to do so.⁵ Collinson pointed us to practice, at two levels in Tudor society, where identifiably free and ‘civic’ activity was being practised. in only one case, however was it self-consciously identified as such.

³ Montesquieu, 1989, (V, 19) p. 70.

⁴ Guy 2002

⁵ .Shagan 2007, p.19)

In 2001 Mark Goldie's 'The Unacknowledged Republic: Office-holding in Early Modern England'⁶ took up the theme. Goldie massively extended the evidential base of officeholding beyond the narrow elite of state officeholders in Westminster, , Goldie demonstrated how widespread office-holding was throughout early-modern England, providing examples of officeholding brick-makers, tanners, bakers and soap-boilers. He estimated there were at any one time 50,000 officeholders which implied that, over fifteen year period, half the adult male population would have held office. This figure is more than confirmed by detailed local studies, o which found for example that one in three householders in London's Cornhill ward held office in any one year.⁷

These and other works⁸ which have thickened our sense of the texture of civic language and sensibilities in the period, and sometimes appeal (as Collinson was reluctant to) to continuities between the civic self-image of the court elite of the 1580s and the 'country' republicanism emerging in the later 1640s. The emergence of claims to full blown republican liberty during the English Civil war and Interregnum has always been something of an historical puzzle. Where did they come from? And how could they make headway? The answer could now be argued to lie in the neo-classical literary culture of the English renaissance where classical roman literature reprised its oft-performed historical role of importing a civic content under the guise of formal and stylistic models. These flesh out claims of a submerged, and 'unacknowledged' republic in late sixteenth and seventeenth century English culture existing as a combination of practices and literary and discursive resources.

Many elements of the concept of citizenship were in place here: the practice of the self-reliant decision-making community, at both national and local level, the idea of the responsible 'citizen', the idea, and practice of specific rights, privileges and liberties pertaining to the occupancy of a particular status.

But although an elite, discursive or literary civic awareness seemed at the very least congruent with the officeholding practice of a huge body of middling, and even quite lowly sorts of people. There were various disconnects – both social and linguistic - between the discourse and the practice. Officeholders were often much more lowly than the idealised citizen of classical discourse, Secondly, the most local, and

⁶ Goldie, 2001 in Harris, 2001.

⁷ Archer, 1991. p. 163

⁸ Eg: Peltonen, 1995; Norbrook, 1988

widespread level of officeholding was at an ecclesiastical and only secondarily a civil unit of administration – the Parish. The final point to make about Goldie's the unacknowledged republic and it is important for a conceptual historian was its *unacknowledgedness*. Lowly officeholders – unless members of urban corporations – did not describe themselves as citizens at all.

III

This disconnect between the vocabulary and practice of citizenship is revealed by the difficulty commentators had in applying the classical vocabulary to the local practice.

Sir Thomas Smith's *De Republica Anglorum*, subtitled 'A discourse on the commonwealth of England', was written in English in 1565, revised by the author up to his death in 1577 and published posthumously in 1583.⁹ Smith, a famous classical scholar and sometime professor of Civil Law at Cambridge is to be found in Cecil's entourage linking him with Collinson's aristocratic Citizen-Subjects; but he was also an MP and a justice of the peace. In trying to integrate civic vocabulary and local practice he knew whereof he spoke, but he still found it extraordinarily difficult-revealing the extraordinary tensions between classical terminology and vernacular practice, and the relationship between each of these and liberty.

Smith opens with Aristotle's tripartite classification of 'three kinds of government', and of the further division of each of the three into two: just and unjust, with a warning that in practice these are often to be found mixed. However, despite this classical opening, in which Smith shows off his Greek, the bulk of the book is concerned with the hugely gothic issue of status, and his conception of the polity and of politics is highly juridical, since the whole of books two and three are concerned with judicial structures and processes.

In several passages Smith address the concept of citizenship and its relationship to freedom. At 1.16 he considers the parts of the commonwealth as households and families, villages, towns and freemen 'as subjects and citizens of the commonwealth' and opposed to 'bondmen' who can bear no rule nor jurisdiction over freemen.' , [and are] but instruments and the goods and possessions of others.'

⁹ Smith, 1906.

However he goes on to observe that this distinction is ‘not enough’ for the distinction he wants to highlight is between ‘them that beare office’, and them ‘that beare none: the first are called magistrates, the second private men’. But then, reviewing the practice of the Romans Greeks and French, he notes that continues say that ‘we in England divide our men commonly into foure sortes, gentlemen, citizens, yeomen artificers, and labourers.’¹⁰ In his discussion of the Nobility, knights and squires - who ‘have the greatest charge and doings in the commonwealth’ - Smith continually seeks to establish parallels within Roman social order. Having briefly dealt with ‘Citizens and Burgesses ... as officers within the cities.’ (p. 41) he then turns his attention to the Yeoman . Yeomen are ‘freemen borne English, [who] may dispend of his owne free lande in yerely revenue to the summe of xl. s[hillings] sterling’ [the qualification for the franchise in the counties] They ‘confess themselves to be no gentlemen ... and yet they have a certaine preheminece and more estimation than labourers and artificers, and commonly live welthilie.’ Yeoman was ‘next to gentleman’ and were to be distinguished from the ‘husbandmen labourers’ and the ‘lowest and rascall sort of people’.

Smith would now seem to have reached the limit of the politically active inhabitants. For the next chapter is headed ‘Of the fourth sort of men which doe not rule’ who are immediately identified with the roman *proletarii*. They are labourers and artificers – taylors, shoemakers, carpenters, and bricklayers – but also merchants and traders who had no freehold land. Such people ‘have no voice or authoritie in our common wealth, and no account is made of them but onelie to be ruled not to rule others’.(46) However this claim to their exclusion from ruling and being ruled by turn, the classic Aristotelian definition of citizenship, is curiously almost immediately contravened.

For ‘yet’ Smith continues , ‘they be not altogether neglected. For in cities and corporate towns, for default of yeomen, enquests and juries are impaneled of such manner of people. And in villages theyme commonly made Churchwardens, alecunners, and ...constables which office toucheth more the common wealth and at the first was not implied upon such lowe and base persons.’¹¹

Smith clearly regrets the need for recourse to these ‘mean and rascall’ persons, but he is quite clear that they *do hold office*, a fact that militates against his earlier

¹⁰ Smith. 1906, p.30 - 1.

¹¹ Smith 1906, p. 46

clear division between those who do and do not bear office rule or are ruled, on the basis of status. Might then, all of these people be said to share in some sense in citizenship?

One group clearly does not; introduced in the chapter ‘Of Bondage and Bondmen’¹² Again a classical analysis *segues* into the feudal background to modernity. Smith rehearses Justinian’s distinction between the classical slave, taken in war, bought or born into bondage, and the emerging serf of the late classical *latifundia*, ‘bond not to the person but to the manor or place’. English law recognised both categories, the first kind were unknown in the realm, and of the second so few ‘that it is not worth the speaking’¹³ (p. 130) The influence of Christianity led men ‘to have conscience to hold in captivity and such extreme bondage him whom they must acknowledge to be his brother’ and so they were all manumitted.

As if anticipating an objection, Smith recognises that villein or servile tenure might be said to continue this status. But he points out that in fact *no* land in England is technically held freely (alodially), since all land, even that held directly of the king is held ‘in fee, that is upon a faith or trust and some service to be done...’ If such tenure rendered the tenant unfree, even the lords and knights of the shire would be servile, something he is loath to concede.¹⁴ But this is a minefield.

Smith’s account maps interestingly onto the arguments used by Collinson and Goldie, but highlights the tension between language and practice, both of freedom and of citizenship. His admitted facts – which agree with theirs – about the lowly status of officeholders, continually tend to disconcert the classically influenced categorical distinctions he initially makes between rulers and ruled, bond and free. Similarly the residually Feudal character of land tenure seems to threaten to preclude the independence required to identify the classical citizen with the early modern Knight or Esquire. More generally he struggles to apply his classical conceptual categories to his contemporary social and political world.¹⁵ Nowhere does he assert the *language* of citizenship or identify citizens, except as officeholders in cities. (ch 22) ‘citizens and burgesses [are] such as not only be free and received as officers within cities, but also be of some substance to bear the charges.’ They serve only ‘in their cities’ and

¹² Smith 1906, bk. 3 ch. 8

¹³ Smith, 1906, p. 131.

¹⁴ Smith, 1906, p. 134

¹⁵ Cf Peltonen, 2002, p. 87: ‘Smith had no difficulties in combining monarchy and citizenship...’

‘in the shires (countryside) they be of none accompt, save only in the common assembly of the realm to make lawes which is called the Parliament.’¹⁶

IV

During the English Civil war the potentialities of the concepts and the terms ‘citizen’ and ‘liberty’ were exploited to the full by a flowering of classical republican thought, paradigmatically with James Harrington whose republican experience included not only a careful reading of Machiavelli but military service in the Netherlands and travel in the vestigially republican landscape of Italy. Despite the excitement Harrington and others generated amongst historians of political ideas, the failure of republicanism as a practical project suggests that the concept of citizenship on classical lines, as a category applicable at the level of the national state, struck no chord. Moreover, despite the regicide, it is not clear that a story about the gradual coincidence of those two explains the emergence of interregnum republicanism. On the view of Blair Worden there is no pervasive concept of republican liberty or attendant active citizenship which is performing any orchestrating role in the 1640s, or even (except very marginally) in the 1650s.[REF WORDEN] As late as 1643 Henry Marten MP had been sent to the tower [by the House of Commons itself!] for suggesting kings were unnecessary. The regicides did not ‘use the language of civic republicanism’ nor ‘execute the king in order to change the constitution’¹⁷ The rebels evaded the constitutional question until after the act, and even then did not introduce a republican constitution, but ‘merely eliminated those aspects of the old constitution against which they had turned or which had got in their way’,¹⁸ a feature of the regime distinctly if embarrassingly signalled for a while by the existence of the Rump (parliament). Moreover *real* republicans, such as Harrington, inveighed against the ‘kingless rule’ by a parliamentary oligarchy who appeared ignorant, or wilfully heedless of the principles under which alone liberty and freedom might flourish. Republican or not, the regimes of the interregnum - unsurprisingly given their increasing isolation - placed little emphasis on active citizenship as an essential feature of constitutional arrangements. But then neither did Harrington.

¹⁶ Smith, 1906 p. 42

¹⁷ Worden, 2002, p. 315.

¹⁸ Worden, 2002, p. 317

One group that did so were the Levellers. Yet those committed to inscribing a republican story into the English Civil War have resisted according them the epithet republican. Levellers were certainly not *classical civic* republicans. There is no trace in their writings of that tradition, of the political uses to which renaissance or even classical sources could be put, nor in their blunt or – as in the case of whispering William Walwyn – sometimes Bunyanesque prose, of the rhetorical skills so praised and exemplified by republican writers. Yet the Levellers unswervingly championed an impeccably republican agenda over the fifteen years of their existence. In one of their last tracts, published in the dying days of the Commonwealth they summarised their position in four strikingly phrased fundamental principles:

1 ‘The government of *England* ought to be by Laws and not by Men’
And to this end judges should not hold office at the pleasure of political rulers.

2 They asserted the constituent and continuing legislative authority of the people, and the priority of the common good as an aim of legislation. ‘all lawes, levies of Monies, War and Peace, ought to be made by the peoples deputies in parliament, to be chosen by them successively at certain periods of time, and that no Council table Orders or Ordinances or Court Proclamations...’ and they denied the legality of any law, regulation or authority not issuing from the legislative assembly of the people.

3 Equality before the law: ‘That every man of what Quallity or Condition Place or Office whatsoever ought to be equally subject to the Laws’

4 Citizen militia, and no mercenaries: ‘the People ought to be formed into such a constant Military posture, by and under the commandsof their Parliamnt that by their own strength they may be able to compel every man to be subject to the Laws and to defent their Country from forrainers and inforce right and Justice,’ since ‘no government can stand without the force of arms.’¹⁹²⁰

Moreover, the Levellers, unlike many commonly *cited* republicans propounded an *activist* view of citizenship: getting ‘the people’ involved in petitioning, subscribing and agreeing, was a major, and at times the only strategy available to them. The construction of a free, constitutionalist and self-governing republic (with or without a chief magistrate) was not, they insisted, ‘our worke only, but every man’s con-

¹⁹ ‘The principles and maxims ... of those that are commonly called Levellers. 1659, in Levellers, 2003, vol 5, p. 426ff.

²⁰ Ibid p. 428

science must look to itself, and not dream out more seasons and opportunities.’²¹ It was not only at the Republic’s birth that activism was required, they made it clear that, whatever prudential limits to the franchise delinquency (royalism) or dependency (poverty) might require, there was a presumption that all should participate at least in the choosing of the legislature.

The withholding of the epithet republican from the Levellers is understandable given that however republican the practices they sought to promote they did not do so in terms of the language of classical – or any other – self-identified - republicanism. Indeed their activity counterfactually demonstrates the continued disconnect between practice and language of citizenship. Extraordinarily they managed over a period of some fifteen years to conduct long reflections on the importance of self-governance in communities, of the active defence of rights, the unreliability of mercenaries and the importance of an indigenous soldiery, exemplified not only in England but in Rome, in Turkey, Netherlands, without once reaching for the vocabulary of citizenship. They didn’t use the term ‘citizens’ except in the indigenous technical sense of members of, or electors of a city or town corporation – particularly London or Westminster where their power base was. As for example ‘England’s new chains discovered (1649) which was described as being presented by Lt John Lilburne and diverse other citizens of London and borough of Southwark.’ What at first seem to be examples of wider and more abstract ascriptions of citizenship turn out not to be such: The ‘Remonstrance of many thousand Citizens (1646) addressing as it does a national complaint to Parliament might seem to imply citizenship was a national category, . But the full title is ‘The remonstrance of many thousand citizens *and other freeborn people of England...*’ revealing that citizens were, for them, a particular group amongst the freeborn, and not co-extensive with them. In contrast to petitions which were from citizens, country-wide petitions and agreements are described as being from ‘many Thousands, ...’, ‘diverse well affected people in and about the City of LONDON’..., ‘many thousands of well affected people’, ‘the freeborn people of England’ and addressed to ‘countrymen and fellow commoners’²² Their ‘Agreements of the People were ‘Agreements of the free people of England’. The Levellers were, and saw themselves as, exponents of a continuous, if always threatened, autochthonous political tradition of liberty, but although citizens in towns represented one – and per-

²¹ Agreement of the Free People of England (1649) Levellers 2003, vol. 4, p.215-6. GET Sharpe.

²² ‘Gold tried in the fire’ Walwyn in Levellers, 2001 pp.222, 232, 234,

haps the best legally defensible – aspect of this, its wider presence was not claimed as When they used the term citizen it was in the technical sense in which citizens were ‘freemen’ to urge their participation in a movement to resist the actions of an unrepresentative corporation or parliament. It was a movement that their free status both entitled them and arguably, morally required them, to participate in. Wildman’s late ‘London’s liberties’ (1650) asserted the rights of the citizens of London to elect their officers, aldermen, lord mayor etc. When arguing from within positive law or institutions Wildman uses the term ‘citizen’ interchangeably with ‘Free-man’ – a specific legal and corporate status. When he argues– although ultimately conceding not to press his case on these grounds – in general terms, he uses the term ‘people.’ Thus the aim of the petition was ‘to have the ancient right of the Citizens of London restored to them; again: ‘I humbly propose no other end but to enforce the petition of the free men of this city.’ But he buttressed his claim to be recovering ancient right with a more general and abstract claim based on common and natural right which informs ‘the very first principles of just Government’. And here he drops the term citizen, referring instead to ‘the people’ – whose ‘just subjection under government, ought to proceed from consent. [Office holders] are but trustees for the good of the people. The original of all just power under God proceeds from the people.’ Before again switching back to the specific case of London – the liberties of the citizens of which, appear more ancient than any charter of the city that’s visible to us.’²³

But although Levellers often equated ‘citizen’ with freeman in the technical sense, they also used freeman (although not, as far as I can find, ‘citizen’) in an extended and rhetorically innovative sense. In a classic ideologically redescriptive move they also argued that *all* Englishmen were freemen – in the town-dwelling sense of being freed from feudal obligations. It was a freedom that they presented as pervading the physical terrain of England – to the extent, Lilburne claimed (evidently with Harrison’s case in mind) that even a slave, should he set foot on English soil, would cease to be a slave. Not to be a slave was admittedly, in most discourses, not yet to be a citizen, but the Levellers bridged that gap, insisting that being *free* – all inhabitants had a right to the political privileges that undoubtedly protected those freedoms – foremost amongst which was the vote. As Rainsborough, the soldiers’ representative at

²³ Wildman, 1650,[repr 1972]

the extraordinarily preserved debates held in Putney Church in 1647, famously put it when asked by the bullying Ireton why non-property owners should have a vote:

‘For really I think that the poorest he that is in England hath a life to live as the greatest he, and therefore truly sir, I think its clear that every man that is to live under a government ought first by his own consent to put himself under that government; and I do think that the poorest man in England is not at all bound in a strict sense to that government that he has not had a voice to put himself under.’²⁴

This right was not merely, for the Levellers, a right of individual self-protection (although it was that). It was a right, a privilege, a freedom, required by the individual duty to pursue the common (collective) good. Where the Levellers concede limitations on citizenship it is because they fear the liberty will not be used to exercise the duty: they are worried that royalists (‘delinquents’) might vote to re-establish the monarchy. That fear or self-interest might force ‘some men to give their voices (votes) to their friends, landlords or the richest, weighing men’s merits by the pound or the acre.’ Lilburne warns people to ‘be careful in their elections, to have an eye upon the publick and chuse such as have appeared most eminent and active in the Establishment of Love and Freedom.’²⁵

V

The late eighteenth century saw a number of campaigns for parliamentary reform invoking ‘liberty’.²⁶ One strand of this took up the claim that the rights claimed by charter in the boroughs ‘should rightfully have been the perquisite of every free-born Englishman.’²⁷ 1790s saw a campaign for political liberty already foreshadowed by these movements and by the religious dissenters’ campaign against their legal disabilities.²⁸ Joseph Priestley explicitly linked religious and political liberty. Given the disabilities imposed on dissenters for their religion he argued: ‘it was hardly possible that we should be other than friends to the civil liberty of our fellow citizens’. Rights more generally, Paine argued, in what we now recognise as a classic neo-roman statement, ‘could only be preserved by giving each person an equal right in the exercise of power; for to deprive a man of the right to vote reduces him to the status of a slave since ‘slavery consists in being subject to the will of another, and he that has not

²⁴ Sharp 1998 p.103.

²⁵ Lilburne, 1659, p. 9.

²⁶ Christie 1962, Black 1963

²⁷ Sweet 1998, p. 96.

²⁸ On the 1790s see Goodwin, 1976

a vote in the election of representatives is in this case.’ The right to vote was ‘the primary right by which all other rights are protected’²⁹

Such arguments play a role in the history of the discourse in which is embedded the history of the concept of citizenship and its complex relationship with liberty – still at this stage being conceived of as a discrete number of rights. I have tried to point to the distinctive histories enjoyed by of the word ‘citizen’, political liberty, and of the concept of citizenship as embodied in institutional practice. Even Paine’s *Rights of man* - however infused with the concept, barely mentions the word ‘citizen’. Yet, in the political conflict within which that work was situated it comes to assume an agency of its own. It is only in the 1790s, under the influence of the French Revolution, and on the street, as it were, where theory, social history, and the word citizen finally come together as never before.

The political reform associations active in the wake of French events were the most focused expression of political agency from the unenfranchised since the English Civil War. The most famous of these was the London Corresponding Society, which sought constitutional and franchise reform, reviving elements of the Leveller programme: universal (male) suffrage and annual parliaments, and a decidedly active conception of citizenship. But unlike the Levellers they explicitly linked the term ‘citizen’ to this national programme.

The Society published addresses and appeals, records of its minutes and correspondence with other societies within and beyond the kingdom.³⁰ In the absence of political rights themselves and with the decline of offices of political self-government in the sprawling new urban spaces, the political association itself constituted a forum in which they could perform freedom in the civic sense of practising and exhibiting political debate and activity - and hold office. The Society’s internal minutes and correspondence, are it is true conducted and recorded with a self-conscious concern for appropriate procedures that often displays the kind of portentous self-importance of a British Trades Union Congress ca. 1980. But it was an important way of evading charges of unruliness, of matching the gravitas of their political masters, and most of all of *enacting* their political maturity and earnestness. Nor was it only a formal imitation of Parliamentary (or perhaps Conventional) procedures, but for some a demon-

²⁹ Paine, 1795, in Foner, 1969, II, p. 579.

³⁰ London Corresponding Society,, 2002; Thale, 1983.

stration of their capacity to replace it by supplanting a corrupt Parliament through a national convention of corresponding societies.³¹

The invocation of the term ‘citizen’ was the epitome of such civic self-invention. towards the end of 1792 when, following the society’s growth and the need to establish different branch divisions, the vocabulary of citizenship is introduced. The salutation ‘Citizen!’ figures prominently in the forms of address prescribed for the conduct of meetings, admission of members etc. It was clearly a self-conscious programme – and not without opposition: both sides aware that there were ideological stakes here. The minutes of the General Committee record the objection of some divisions to the introduction of the term ‘citizen’. In other cases more radical divisions had struck out ‘Mr’ or ‘Sir’ and replaced them by ‘fellow citizen.’³² Civic identity was, through such vocabulary, to be inscribed on the passive subject. The Society’s public addresses appeal to a shared ‘duty to preserve inviolate the liberty of his fellowcitizens’, reminders that it is ‘no less the right than the duty of every citizen to keep a watchful eye on the Government of his country’ and to ensure that private interest is not substituted for Public Advantage’.³³

In the repressive atmosphere of the mid 1790s – and with the increasingly republican example of France, ‘citizen’ became a loaded and subversive term. By 1794 and the first treason trials of reformers following the National Convention in Edinburgh, the LCS insistently addressed their pamphlets simply to ‘Citizens!!’ (at the head of each paragraph).³⁴ Authorities and radicals alike knew that uttering the very word was a speech-act of clearly political import: a brazenly subversive consciousness-raising device. *The Tribune* records how the Court official sent to arrest Thelwall and others for examination before the Privy Council ‘flew into a rage’ when they referred to each other by the title ‘citizen’.³⁵ In the 1790s the word ‘citizen’ did not merely re-emerge as a distinctive way of *referring* to active political agency, its very *use was* that agency.³⁶

³¹ Gerald, 1795

³² Thale, 1983, p. 77

³³ *The London Corresponding Society’s Addresses and Resolutions* April 1792 in London Corresponding Society, 2002, p. 78

³⁴ See, Thelwall, 1995, pp. 88ff. Where almost every paragraph begins : ‘Citizens!’

³⁵ Thelwall 1795, 4. April. .

³⁶ Correlatively, oligarchal councils such as Liverpool’s denounced (longstanding) re-assertions of right by freemen citizens as ‘Jacobinical’. Sweet, 1998, p. 108

It is not merely the meeting, associating, and agitating that is important here, the ostentatious description and publication of their having done so constitutes effectively a new political genre – albeit one with social roots as far back as the *Spectator* itself. Their communicating the fact of their associative activity was dramaturgical – seeking to embolden and elicit similar actions and associations elsewhere – and the proliferation of corresponding societies across the country shows their success in doing so. Corresponding Societies, as well as asserting a concept of citizenship, invented a space in which to rehearse it .., They aspired to insert both within the state. Although they never succeeded, in their attempt they brought together, unequivocally, and for the first time in English history, the *concept* of active citizenship as a condition of liberty - ascribed extensively to members of the state and not merely to those of a town or city - and the very word *citizen* itself.

VI

The position of citizen, or freeman, was originally that of officeholder within a civic or occupational corporation, But the English citizen, unlike his Aristotelian or Ciceroian counterpart, did not enter a *realm of freedom* by virtue of his office-holding; rather the freedoms he enjoyed were *specific freedoms*, privileges, (commonly described as such), exemptions from the presumptive and widespread constraints endured by non-freemen. Further, the freedoms they possessed were those required to discharge the duties of their office. Freedom was a range of discretion related to office.

If this is right, then any temptation, which a conceptual history approach suggests, to link the practice-base of early-modern office-holding to the presence of a discursive conception of *classical* – citizenship as a realm of freedom and a definitive quality of persons - needs careful qualification . For what office brought to the officeholder was not freedom as a quality of his person, but particular freedoms as a consequence of his *role*.

This brief survey indicates that a similar trajectory was described by the history of the concepts of both citizenship and liberty. The universalisation of the concept of citizenship from those possessing particular roles and responsibilities in corporate bodies, to anyone - or at least any male one - seems to be paralleled by the way liberty moves from connoting particular liberties required by the possession of office, to con-

noting an abstract and universal liberty connected with an abstract and universalised person.. The increasingly sceptical treatment of the early-modern claim that freedoms were ‘chartered’ reflected this shift.³⁷ Tom Paine rejected the view of freedoms as exemptions, claiming that it was the charters themselves that created the subordination of the non-incorporated: ‘it is a perversion of terms to say, that a charter gives rights. It operates by a contrary effect, that of taking rights away. Rights are inherently in all the inhabitants; but charters ... leave the right by exclusion in the hands of a few.’³⁸ T.B.Oldfield’s influential *History of the Boroughs* agreed, claiming that ‘charters were only infringements of the universal liberties of the people.’ But these claims can only be made once the default assumption was one of universal liberty, rather than that liberties are exceptions to a hierarchy of subordinations. It is hard to see this as an incremental change. . It is a gestalt-like reversal in the *concept* of liberty. The move is from a concept of liberty as a *description of particular* positive, legally (or customarily) defined permissions to a specific range of actions, to liberty as an *ascription* of the presumptive *universal* right of action.

The idea that early modern liberties were office-dependent is not a particularly new one.³⁹ But the implications of this for the *concept* of liberty available is not always acknowledged. It can still seem possible to conceive of early modern actors with access to a *concept* of unconstrained personal liberty, of which liberty of office can be thought of as granting, as it were, small parcels or *quanta*. Accumulating enough of these, it might be thought, could create a *plenum* of liberty in the modern sense. But that this is not the case is clear from the evident and interminable casuistry as to how we should understand the ‘freedom’ of the one individual who, it might be thought, *had* accumulated all the available parcels of liberty – namely the absolute monarch. For the distinction between Monarchy and Tyranny – retained by all but one of even the most absolutist theorists of monarchy - is surely unsustainable without a conception that freedoms – even all of them put together – are there to discharge duties and not to evade constraints. The exception, of course, is Thomas Hobbes, and it is no accident that for Hobbes, liberty is not distinctively human (in either the classical or renaissance senses) at all, and certainly not conceptually tied to the *telos* of office.

³⁷ Sweet, p.105, lists many such histories

³⁸ Paine Rights of man pt 2 ch 5 p. 242 [Harmondsworth TO SUPPLY CUP ref.]

³⁹ Condren, 2006, chapter 3 passim..

If office-dependent liberties were not parcels of natural freedom, how are they to be conceived? One of those who has pressed most insistently their distinctiveness has been Conal Condren. Condren claims that although:

‘liberties of office could be as strenuously defended as are liberties now, ... the very terms through which liberty of office was delineated and defended takes us to a world of semantic and conceptual relationships rather alien to our own patterns of political discourse.’⁴⁰

In such a world the antonym of subordination was not liberty but licence. Not, as Hobbes might have put it, that ‘licence was merely liberty disliked’, but because licence was dislocated from the structures of moral purpose within which human life was to be conducted and liberties enjoyed. Crucial to that alien early modern world was the perception that liberty was not merely a (partial and specific) exemption from a structure of authority, but that it was embedded in and held by authority *of* one (or a body) to whom one was properly subordinate. And it was this condition – not that of freedom – that was universal: ‘No man’ wrote Edmund de Bohun ‘is without office, no aspect of life without rule.’⁴¹ True Liberty was not incompatible with subordination and authority, it presupposed it. For whilst the liberties consequent on office offered a degree of discretion in performing the tasks incumbent on it, the possession and scope of those liberties was established and delineated, and could only be vindicated by, a higher authority within which that office, its purpose, and necessary discretions was nested. The pursuit of liberty beyond such scope – what Condren calls the ‘Luciferic case’ – was the assertion of an anarchic and licentious will. .

Now in early modern England ultimately - and for some proximately - that higher authority was God. And failing a church that could authoritatively claim to speak in his name, an appeal to vindicate liberty could only be made in prayer, or, as Locke was finally forced to acknowledge, through the contingencies of physical resistance, which, it was to be hoped, was providentially superintended. It is at this point perhaps, that we reach, *de facto*, the modern concept of liberty as the presumption in favour of self-legitimizing action.

⁴⁰ Condren, 1997, p. 461

⁴¹ Condren, 2006, p.54

Section V (CUT for Oral presentation)

In the first part of the eighteenth-century opportunities for urban officeholding increased dramatically. The expansion in the numbers of charity boards, hospital and poor-relief trusts, educational, mutual and friendly societies of one kind and another as well as canal, turnpike and highway, pavement and street-lighting, trusts, all emerged as voluntary associations, managed by unpaid local committee members. Whilst not yet technically part of the state apparatus, they were undoubtedly civic, in the sense of relating to the management of the needs and activities of the *civitas* or city. Jonathan Barry has coined the term 'bourgeois collectivism' as a way of challenging the notion of the archetypal bourgeois as individualist and self- rather than socially focussed.⁴² This work can be seen as an extension of the Goldie thesis - that it is in the practice of office-holding that we should look for an understanding of the concept of citizenship. Philip Withington has made the case explicitly:

England's towns and boroughs underwent two 'renaissances' over the course of the period: a 'civic renaissance' and the better-known 'urban renaissance'. The former was fashioned in the sixteenth century; however, its legacy continued to inform political thought and practice over 150 years later. Similarly, although the latter is generally associated with 'the long eighteenth century', its attributes can be traced to at least the Elizabethan era.⁴³

Yet the very diversity of these new opportunities must surely provoke reconsideration of their relationship to citizenship. Citizenship is a status that overrides others. in the same way as, as Aristotle states, the political association overrides other associations.⁴⁴ Citizenship is what all the members of a polity have in common with each other, indeed what gives them a common to have. Whilst the practice of office-holding in these voluntary associations looks like the kind of thing citizens *do*, and when done in pursuit of the city's increasingly divergent needs, might indeed be called 'civic', their very diversity and particularity surely militates against the equality and uniformity presupposed by the bond of citizenship. The possession of 'citizenship *skills*' that is, does not entail the possession of a shared civic *identity*. The rela-

⁴² Barry, 1994

⁴³ Withington, 2001, p. 239,

⁴⁴ Aristotle 1252a,

tionship of associational skills to political freedom and citizenship itself might be thought to depend on *where* and for what purpose those skills were deployed.

Another aspect of this second urban renaissance is its tenuously *political* character. It has been described as *urban* rather than civic. With corporations becoming more oligarchic, and many towns modelling the ‘urban’ on the new West End of London and on Bath, urban renewal (like the arts-led renewal programmes of the late C20th) was not linked to any specific political traditions, or citizenship roles. Although urban renaissance occurred *within* cities, it was largely dominated by landed elites, rentiers and mobile professionals whose uneasy relationship with local citizens begins to be chronicled in the social novels of the time. Jonathan Barry writes:

‘To participate, townspeople had to cast off their old civic particularism and dissociate themselves from the culture of their fellow townsfolk. Although a whole new world of association for leisure and cultural purposes developed, the associations involved were restricted to those who could afford to aspire to the values and lifestyles of a refined elite.’⁴⁵

The opening up of the eighteenth-century public sphere promoted associational diversity, a leisure and luxury sector, commercial opportunities, and multiplicity of communities of concern and interest. In England, its increasing toleration of different devotional communities cut across the old parishes; and the professionalization of the army gradually replaced the local militias and *their* associational forms subverting two important organisational dimensions of citizenship. This diversity looked congruent with the kind of modern citizen appropriate for Constant’s modern liberty: fragmented and in competition with the salience of traditional offices and militating against the dominance of the individual’s civic identity which was not only a part of the classical model and meaning of citizenship, but also of an indigenous tradition of freedom attached to widespread and institutional officeholding.

This associational diversification – much remarked on by Scottish enlightenment thinkers – ushered in a new understanding of the tension between monarchy and liberty, recognising the possibility of, or indeed the championing of the free, limited and commercial monarchy. How then was one to describe its inhabitants? Adam Smith normally reserves ‘citizens’ for his discussion of the politically active members of classical Greece and Rome.⁴⁶ When talking of his contemporary Britain he refers

⁴⁵ Barry, 1994 p. 87

⁴⁶ Smith, 1976,, pp. 556, 774ff)

to ‘the people’ or sometimes the collective ‘the public’. But his usage is very context sensitive, sensitive that is, to his argumentative, rather than the descriptive context, and he seems happy to use ‘citizen’ in quasi-judicial situations. For example in talking of gradations of social condition in Britain he refers to ‘particular classes of citizens’⁴⁷. In the *Lectures on Jurisprudence* his discussion of access to citizenship compares Athens, Rome, and modern republics with England and other modern European monarchies, and the term citizen seems comfortable to him in discussing this legal position. But he uses subject and citizen interchangeably. For example in discussing ‘Whether the sovereign may be guilty of crimes against the subjects’ he finds himself having to discuss ‘who are the subjects?’ Here he immediately substitutes ‘citizen’ for ‘subject’. He points out that smaller countries – where citizenship entitles one to particular privileges – ‘being descended from one who is a citizen’ tends to be the rule. In countries of large population (such as England) ‘[place of] Birth determines citizenship’. There are he concludes, ‘two foundations of citizenship in all countries; in the larger ones birth, in the smaller ones having one’s father a citizen.’ But this conclusion is as true for subjects of monarchies as for members of republican regimes.⁴⁸ And in the report of the 1766 version he concludes the same discussion of being a citizen and how one acquires citizenship with the words ‘Having thus considered who are properly the ‘subjects of a state.’⁴⁹ ‘Citizen’ carries no distinctive animus and the distinction between it and ‘subject’ dissolves into a civically amorphous ‘member’ of a state.⁵⁰

⁴⁷ Smith, 1976, p. 21

⁴⁸ Smith, 1978, pp.306ff.

⁴⁹ Smith 1978, p. 433.

⁵⁰ Other views were possible. Richard Hurd: (1754) who claimed that whilst ‘in the more absolute monarchies of Europe, all are courtiers. In our freer monarchy all should be citizens’,

Liberty and Citizenship in Early Modern England

Works referred to :

A: Primary Material

Aristotle (1996) *The Politics and The Constitution of Athens*, ed. Stephen Everson, Cambridge.

Foner, E., ed., *Complete writings of Thomas Paine*, 2 vols., New York.

Gerald, Joseph, (1795) *A Convention the only means of saving us from ruin*. London.

Harrington, James, (1977) *Oceana*, in *The political works of James Harrington* ed. J.G.A. Pocock, Cambridge.

Hobbes, Thomas, (1991) *Leviathan* ed. Richard Tuck, Cambridge.

Hume, David, (1985) *Essays moral, political, literary*, Indianapolis,

Levellers (1998) *The English Levellers*, Ed. Andrew Sharp, Cambridge.

Levellers (2003) *The Levellers: Overton, Walwyn and Lilburne*, 5 volumes, Bristol.

Hurd, Richard (1754)

Lilburne, John (1659) *Lilburne's Ghost*, London.

London Corresponding Society (2002) *London Corresponding Society 1792 – 1799* ed., Michael T. Davis 5 vols., London,

Montesquieu, Charles Louis de Secondat, (1989) *The Spirit of the Laws*, tr. & ed. Anne Cohler, Basia Carolyn Miller and Harold Samuel Stone, Cambridge.

More, Sir Thomas, (1516) *Utopia*

Oldfield, T.B. (1792) *An Entire and Complete History, Political and Personal, of the Boroughs of Great Britain, together with the Cinque Ports* 2 vols., London.

Paine, Thomas *Rights of Man* CITE CAMBRIDGE EDITION

Paine, Thomas (1969) *The Rights of Man*, Harmondsworth.

Paine, Thomas (1795) *First Principles of Government* in Foner (1969)

Sharpe, Andrew (1998) *The English Levellers* Cambridge.

Smith, Adam (1976) *The Wealth of Nations* 2 vols. ed. Campbell and Skinner Oxford,

Smith, Adam (1978) *Lectures on Jurisprudence*, Oxford,

Smith, Sir Thomas (1906) *De Republica Anglorum – a discourse on the commonwealth of England*, ed. Alston, Cambridge. CITE MOD ED>

Liberty and Citizenship in Early Modern England

Spence, Thomas, (1989) ed. Dickinson, *The Political Works of Thomas Spence*, Newcastle.,

Spenser, Benjamin (1625) *Vox Civitatis, or Londons complaint*, London

Thale, Mary (1983) ed., *Selections from the Papers of the London Corresponding Society 1792 – 1799* Cambridge.

Thelwall, John (1795) *The Tribune*, London.

Thelwall, John (1995) *The Politics of English Jacobinism: writings of John Thelwall* ed. Greg Claeys, Pennsylvania.

Wildman, John, (1650) *London's liberties*, London. [repr. Exeter, 1972]

B: Secondary Works

Archer, Ian W., (1991) *Social Relations in Elizabethan London*. Cambridge.

Barry, Jonathan, (1990) 'Provincial Town Culture, 1640 – 1760: Urban or Civic?' in J.Pittock and A.Wear ed., *Interpretation and Cultural History* London.

Barry, Jonathan (1994) 'Bourgeois collectivism? Urban Association and the Middling Sort', in

Jonathan Barry and Christopher Brooks, ed., *The Middling sort of People, culture society and politics in England, 1550 – 1800*, London.

Black, E.C. (1963) *The Association: British extraparliamentary political organisation, 1769-1793*, Cambridge, Mass.

Borsay, Peter, (1989) *The English Urban Renaissance: Culture and Society in the Provincial Town 1660 – 1770*, Oxford.

Burgess, Glenn and Festenstein, Matthew (2007) *English Radicalism 1550 – 185*. Cambridge.

Christie, I.R. (1962) *Wilkes, Wyvill and Reform: the parliamentary reform movement in British politics, 1760 – 1785*, London.

Collinson, Patrick (1987): 'The monarchical republic of Queen Elizabeth I' *Bulletin of the John Rylands Library of Manchester*, 69/2 and in

Liberty and Citizenship in Early Modern England

Collinson, (1994) *Elizabethan Essays*, London.

Condren, Conal (2006) *Argument and Authority in Early Modern England. The Presupposition of Oaths and Offices*. Cambridge.

Condren (1997) 'Liberty of Office and its Defence in Seventeenth-Century Political Argument, *History of Political Thought XVIII*, pp. 460 - 82

Davies, Colin (2007) 'Reassessing radicalism in a traditional society' in Brugess and Festenstien.

Goldie, Mark (2001) 'The Unacknowledged Republic: Officeholding in Early Modern England' in Harris ed., *Politics of the excluded*

Goodwin, Albert (1979) *The Friends of Liberty, the English democratic movement in the age of the French Revolution*, London.

Guy, John (2002) 'Monarchy and Counsel' in Patrick Collinson, ed ., *The sixteenth century*, Cambridge.

Harris, Tim (2001) *The Politics of the Excluded, c1500 – 1850*, Basingstoke.

Maitland, F.W. (1898) *Township and Borough*, Cambridge.

McDairmid, John F., (2007) *The Monarchical Republic of Early Modern England: essays in response to Patrick Collinson*, Aldershot.

Norbrook, David, (1988) *Writing the English Republic, poetry, rhetoric and politics 1627 – 1660*, Cambridge.

Oxford English Dictionary (1971), Oxford.

Peltonen, Markku (1995) *Classical Humanism and Republicanism in English Political Thought 1570 – 1640*, Cambridge

Peltonen, Markku (2002) 'Elizabethan England' in Van Gelderen and Skinner (2002), volume I.

Shagan, Ethan (2007) 'The two republics: conflicting views of participatory local government in early Tudor England' in McDiarmaid ed., 2007.

Skinner, Q, (1998) *Liberty before Liberalism*, Cambridge,

Skinner, Q, (1996) *Reason and Rhetoric in the writings of Thomas Hobbes* Cambridge.

Sweet, Rosemary, (1998) 'Freemen and Independence in English Borough Politics c. 1770 – 1830' *Past and Present*, 161 nov., pp. 84 -115

Van Gelderen and Skinner (2002) *Republicanism a shared European heritage* 2vols (Cambridge,

Liberty and Citizenship in Early Modern England

Withington, Phillip., (2001) 'Two Renaissances: Urban Political Culture Post-reformation England', *Historical Journal* 44, pp. 239 – 67

Worden, Blair (2002) 'Republicanism, Regicide and Republic: The English Experience. In vol. I, Van Gelderen and Skinner (2002)