Occupy Rome

Citizenship and Freedom in Early Modern Political Culture, Recent Political Theory, and *Coriolanus*

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The two most ambitious recent arguments about the currency of republican values in early modern England privilege either citizenship or liberty: Patrick Collinson's claim that "citizens…concealed within subjects" pursued lives of meaningful political participation in the "monarchical republic" of Elizabethan England does not depend on establishing the subject-citizen's liberty (2002, p. 412);[1] according to Quentin Skinner and Philip Pettit, seventeenth-century resistance to arbitrary power turned on a distinctly republican definition of freedom as the absence of domination that neither promoted active citizenship as a "bedrock value" nor required for its maintenance widespread participation in political life (Pettit, 1999, p.8). On the one hand, many monarchical republicans in Elizabethan England did not link liberty and the *vita activa* – John Case, for example, defined "citizen" merely as "a participant in civil authority" – or figured active citizenship and obedience as continuous (Peltonen, 2002, pp. 103-104). On the other hand, the neo-Romanists of Stuart England believed that all the participation in the world – serving as a bailiff; sitting in the House of Commons; issuing judgments from the bench – did not make a person who is under domination free. Put another way, Collinson's citizen-subjects located virtue and happiness

1 For a lucid account of the scholarship on "monarchical republicanism," see Peltonen (2002, pp. 85-107). Collinson (2002) identifies a wide range of activities as republican: the inhabitants of Elizabethan Swallowfield agreeing to constitute their town as a "self-governing republic"; Lord Burghley drafting plans for an acephalous one-year "Interreyn" between Elizabeth's demise and the settling of the succession; engineers offering initiatives that serve "the public interest" (pp. 20, 32-33, 53-54).

in productive *service* to the commonwealth; the men who would not brook Charles I's tyranny located dignity and happiness in the *possession* of liberty.

These influential approaches to English political history haven't paid much attention to one another because the first story seems to end when the second story begins: as James and, especially, Charles, indulged themselves in exercises of arbitrary power, Members of Parliament, political philosophers, and leading citizens from England's towns – the kind of men who, under Elizabeth, might have prized the *vita activa* – embraced liberty as the preeminent republican value. The relation between liberty and the *vita activa* was, in fact, far more complicated for both Elizabethan and seventeenth-century Englishmen. In *De Republica Anglorum* (1563-65), for example, Sir Thomas Smith's most stirring celebration of liberty is occasioned by – and never quite displaces – a commitment to active participation in the commonwealth:

"[T]orment or question which is used by the order of the civill lawe and custome of other countreis to put a malefactor to excessive paine, to make him confesse of him selfe, or of his felowes or complices, is not used in England, it is taken for servile. For what can he serve the common wealth after as a free man, who hath his bodie so haled and tormented, if he be not found guiltie, and what amends can be made him? [...] The nature of our nation is free, stout, haultaine, prodigall of life and bloud: contumelie, beatings, servitude and servile torment and punishment it will not abide. And so in this nature and fashion, our auncient Princes and legislators have nourished them, as to make them stout hearted, courageous, souldiers, not villaines and slaves, and that is the scope almost of all our policie." (Smith, 1583, pp. 85-86)

Earlier legal theorists had excoriated torture as barbarous and ineffective (Sir John Fortescue, 1997, pp. 31-34); Smith sharpens this long-standing critique by appealing to the most powerful brand of early modern English exceptionalism: the claim that the English were the freest of modern peoples, cherished liberty most, and abhorred bondage with unequalled passion. For Smith, not abiding "servile torment" is a particular manifestation of the free nature that defines Englishness.

In Smith's England, "the scope almost of all […] policie" is the cultivation of free men rather than "villaines and slaves." On the one hand, then, Smith is a precursor of Skinner's and Pettit's seventeenth-century neo-Romans, who define liberty as the absence of domination: the "opposition between slavery or servitude […] and freedom," according to Pettit, "is probably the single most characteristic feature of the long rhetoric of liberty to which the experience of the Roman republic gave rise"; "[c]ontrasting liberty with slavery is a sure sign of

taking liberty to consist in non-domination" (Pettit, 1997, p. 32). On the other hand, Smith is a monarchical republican: princes *and* legislators work collectively for the common good; and he values service to the commonwealth (at least) as highly as freedom. "[W]hat can" the victim of torture "serve the common wealth after as a free man"? The answer is "nothing." Torture is bad because it deforms the victim's capacity for active participation: if such a man "be not found guiltie," he will regain the legal condition of "free man" – he will once again be *sui iuris* – but he will be disabled from serving the commonwealth.

If Smith, a key figure in Collinson's story, entangles freedom and active citizenship, so too does the MP Thomas Hedley, an important protagonist in Skinner's intellectual history of liberty. In a 1610 speech in the House of Commons, Hedley warned that James I's assertion of an absolute prerogative to levy impositions in the absence of Parliament's consent would transform England into a slave state:

"But it is not so much to lose all a man's wealth as the power of holding it, for that is nothing else but bondage, or the condition of a villein, whose lands and goods are only in the power of his lord, which doth so abase his mind [...] that he is neither fit to do service to his country in war nor peace, for the law enables him not so much as to serve in a jury, and the wars design him but to the galleys or the gallows. So if the liberty of the subject be in this point impeached […] then they are […] little better than the king's bondmen, which will so discourage them and so abase and deject their minds, that they will use little care or industry to get that which they cannot keep and so will grow both poor and base-minded like to the peasants in other countries, which be no soldiers nor will be ever made any, whereas every Englishman is as fit for a soldier as the gentleman elsewhere." (Foster, 1966, p. 195)[2]

Hedley does not define Englishness as a special relation to liberty. Rather, the economic and military prowess fostered by England's "laws, liberties, and government" (Foster, 1966, p. 195) distinguishes her subjects from the "bondman or peasants in other places." Hedley recognizes that liberty is a necessary condition for the active citizenship he values, but it doesn't follow for him that liberty is separable from – or more important than – active citizenship.

So far, I have tried to demonstrate that Smith and Hedley attribute equal value to participating in public life and to possessing liberty. The rest of this chapter pursues two arguments. The first is historical: some early modern political thinkers,

2 For Skinner's analysis of Hedley's speech, see Skinner (2003, p. 14; 2002a, p. 311; 2002b, p. 260-61).

I claim, figured active participation in legislation as necessary to liberty. They were not, however, democrats: they believed that the people of the realm were free because they consented, *through their parliamentary representatives*, to the laws that bound them. This apparently paternalistic republicanism, in which a select group of citizens actively participate in political life and secure liberty for all, came with a twist: an ideology that universalized participation because it conflated absolutely representatives and those they represent. The second argument is theoretical: I suggest that Skinner and Pettit's shared commitment to a particular construction of negative liberty entails a preference for representative democracy over direct democracy. Shakespeare's *Coriolanus* figures explicitly in the first argument as a rare early modern identification of liberty and direct participation in political life but also shadows the second argument: Shakespeare's radical critique of political representation troubles the ideology of representation in his time and in our own.

I

The antonym of freedom, Pettit argues, is domination: that is, "subjection to an arbitrary power of interference on the part of another – a *dominus* or master – even another who chooses not actually to exercise that power" (Pettit, 2002, p. 340; cf. Pettit 1997, p. 5). Pettit thus rejects one negative construction of freedom – the liberal definition of freedom as freedom *from* interference – for another: freedom is freedom *from* domination. Pettit argues that whereas non-arbitrary interference – for example, laws to which the governed consent – merely *conditions* freedom, even non-interfering domination *compromises* freedom: if I recognize that "agents and agencies […] have a power of arbitrary interference in [my] life," my consciousness of that power will lead me "to make efforts to keep them sweet, tailoring [my] actions to their expected wishes" (Pettit, 2001, p. 137) and make me a slave even if the dominating agent or agency never actually interferes with me (Pettit, 2002, p. 347; cf. 2001, p. 145).

Skinner has traced the definition of freedom as non-domination to seventeenth-century neo-Roman writers such as Henry Parker, John Marsh and John Goodwin, who argued that "if you live under any form of government that allows for the exercise of prerogative or discretionary powers outside the law, you will already be living as a slave [even if your] rulers […] choose not to exercise these powers, or […] exercise them only with the tenderest regard for your liberties" (Skinner, 1998, pp. 68-69). We can trace this ideal of freedom as non-domination, on Skinner's account, back to Hedley's great 1610 speech. Interference –

even the catastrophic seizure of all one's weath – does not in itself enslave a man, Hedley argues; rather, the monarch's arbitrary power to interfere in the subject's life and the subject's recognition of that power make him a slave: "it is not so much to lose all a man's wealth as the power of holding it, for that is nothing else but bondage, or the condition of a villein, whose lands and goods are only in the power of his lord, which doth […] abase his mind" (Foster, 1966, p. 195).

Pettit, too, argues that for seventeenth-century English republicans domination, rather than interference, compromises freedom: a citizen subject to the interference of non-arbitrary laws is free; to be subject to domination, even in the absence of interference, is to be a slave (Pettit 2002, p. 344). For example, Harrrington's "contrast between someone who lives in Turkey, subject to arbitrary rule […] and the citizen of republican Lucca," Pettit claims, turns on the neo-Roman ideal of freedom:

> ""the greatest bashaw is a tenant, as well of his head as of his estate, at the will of his lord, [but] the meanest Lucchese that hath land is a freeholder of both". […] The crucial phrase here is "at the will of his lord": no matter how permissive the lord is, the fact of depending on his grace and favor, the fact of living under his domination, entails an absence of freedom." (Pettit, 1999, pp. 32-33).

The great bashaw who must keep the sultan sweet and the humble Lucchese subject to a non-arbitrary rule of law exemplify what Pettit identifies as "the two themes that distinguish the ideal of political freedom" in "the republican tradition": "the non-interfering master takes away the subject's freedom [but] the non-mastering interferer does not" (Pettit, 2001, p. 145; cf. 2002, p. 345).

To be free is to not be a slave; that is, not to be under domination; that is, as Pettit puts it, not to "live at the will of another – the arbitrary will of another – in the manner of a slave" (Pettit 1999, pp. 32-3). If we are tempted to supply a positive definition of freedom, we will likely find ourselves listing those actions that only free citizens in free states may pursue: dispose of his or her labor as he or she sees fit; speak his or her mind without fear of punishment; advocate for political policies; vote; run for office; petition elected officials; organize a social agency; and so on. Before long, we will have come back round to Collinson's citizen-subjects and the Ciceronian ideal that "vertues holle praise consisteth in doing." (Grimaldi, 1566, fol. 8.v). According to Pettit and Skinner, however, leading political actors and recluses alike are free or unfree only as a function of their relation to domination. Pettit explains that the republican tradition with which he, "Skinner, Sunstein, and Braithwaite […] identify is not that sort of tradition – ultimately, the populist tradition – that hails the democratic participation

of the people as one of the highest forms of good and that often waxes lyrical, in communitarian vein, about the desirability of the close, homogeneous society that popular participation is often taken to presuppose" (Pettit, 1999, pp. 7-8). For Pettit, participation is not a "bedrock value"; rather, "[d]emocratic participation *may be essential* to the republic" only in so far as "it is necessary for promoting the enjoyment of freedom as non-domination, not because of its independent attractions" (Pettit, 1999, p. 8, my emphasis).

Skinner attributes far more value to widespread participation in political life, but he, too, argues that the opportunity to exercise rights – rather than the actual exercise of rights – defines freedom. Seventeenth-century neo-Romanists, Skinner argues, didn't believe that "liberty *consists in* membership of a self-governing state" or that "individual freedom" could be "equated with virtue or the right of political participation" (Skinner, 1998, p. 74 n.38; cf. Skiner 2002a, p. 212). Moreover, the theory that domination – rather than interference – causes unfreedom requires that the actual exercise of rights be forcefully put in its place: for if "it is possible to enjoy your liberties to the fullest degree without being a free-man," then we must always be on guard against the misrecognition that to exercise liberties – to be free from interference – is to be free. What makes a person free is the absence of a dominating agent or agency with the power to interfere arbitrarily in his or her life *and* the recognition, the secure belief that no such power hangs over him or her.

II

Looking for the neo-Roman ideal of freedom in Elizabethan England may seem quixotic, but the queen's subjects routinely claimed that they were not under domination. For example, in a 1593 speech defending the Commons' right to advocate for a more perfectly reformed ministry, James Morice reminded his fellow MPs that they were the free subjects of a monarch rather than the slaves of a tyrant:

"Behold with us the sovereign authority of one, an absolute prince, great in majesty, ruling and reigning, yet guided and directed by principles and precepts of reason which we term the law. No Spartan king, or Venetian duke, but free from account and coercion of any, equal or superior; yet firmly bound to the commonwealth by the faithful oath of a Christian prince, bearing alone the sharp sword of justice and correction, yet tempered with mercy and compassion; requiring tax and tribute of the people, yet not causeless, nor without common assent. Wee again the subjects of this kingdom are born and brought up

in due obedience, butt far from servitude and bondage, subject to lawful authority and commandment, but freed from licentious will and tyranny; enjoying by limits of law and justice our lives, lands, goods and liberties in great peace and security, this our happy and blessed estate." (Hartley, 1995, p. 35)

Morice is no rebel: Parker admires the Venetians for curbing the power of their dukes; Morice is glad that Elizabeth, unlike a "Venetian duke," is an "absolute prince." Morice, however, does anticipate Parker's definition of freedom as the absence of domination: to live under a prince merely "guided" – rather than "guided *and directed*" – by law, to rely merely on the prince's "mercy and compassion" would leave the subject entirely dependent on her will (and thus a slave); but Elizabeth's power to interfere in the lives of her subjects is limited by law and requires their "common assent." To enjoy one's "liberties *in great peace and security*" is precisely to recognize that one's liberties are not subject to arbitrary acts of interference.

Morice's Englishman is only modestly involved in securing his "happy and blessed estate": he "assent[s]" to the laws he obeys and the taxes he pays. By contrast, Speaker Christopher Yelverton, in his speech to Elizabeth I at the closing of Parliament in 1598, attributes the subject's freedom to active participation in fashioning laws:

"If that comon wealth (most sacred and most renowned Quene) was reputed in the world to be the best-framed, and most likely to flurishe in felicities, where the subjects had their freedom of discourse, and their libertie of likeing, in establishing the lawes that should governe them; then must your Majestie's mighty, and most famous realme of England (by your most gracious benignity) acknowledge it self the most happie of all the nations under heaven, that possessth this favour in more frank and flowing manner than any kingdome doth besides. Singuler was the commendation of Solon that set lawes among the Athenians; passing was the praise of Licurgus that planted lawes among the Lacdemonians and highly was Plato extolled that devised lawes for the Magnesians: but neither yet could the inconveniences of the state be so providently forseene, nor the reason of lawes be so deeply searched into, were they never so wise, nor the course of them be so indifferent, or so plausible; nor the people be so willing to put themselves under the dutie of them, as when the people themselves be agents in the frameing of them. And where the rules of government in some comon wealths have been setled only by some fewe magistrates, there divers varieties of mischeifes have allso many times befallen them." (Hartley, 1995, p. 197)

Yelverton offers two reasons for preferring collective lawmaking to lawgiving by a singular titan or "some fewe magistrates." The first is pragmatic: the wisest

individuals – Solon, Lycurgus, Plato, and Elizabeth – are incapable of foreseeing all "the inconveniences of the state." Yelverton's account of parliamentary legislation institutionalizes Smith's reconciliation of monarchism and republicanism: "Smith described the queen as 'the life, the head and the authorite of all things that be done in the realme of England," Collinson observes, and "defined England, politically, as 'a society or common doing of a multitude of free men collected together" (Collinson, 2002, p. 36). Yelverton's England is the "best-framed" commonwealth because its head and body legislate collaboratively: "the whole state of [the] kingdome […] assemble[s], consult[s], and resolve[s] uppon some fewe petititons"; Elizabeth's assent "geve[s] full life and essence unto" those parliamentary bills and makes them laws (Hartley, 1995, p.198).[3] Elizabethan MPs had long argued that the queen, in fact, *depended* on the collective doing of the entire political nation. In a 1566 speech, an MP argued the necessity of the Commons from the monarch's natural limitations: because "his eye and eare cannot be in every corner of his kingdome and dominions at one instant," he must rely on the "counsel" of MPs who come from "everie part of the same absent from the king's eye and eare" (Hartley, 1981, p.129-30; cf. a similar speech from 1571 in ibid., p. 227). In *The order and usage of the keeping of a Parliament in England* (1571), John Hooker figures the MPs as a whirl of collective doing: they "are as it were one body, having many eyes to se, many feet to go, and many heads to labour withal, and so circumspect they are for the government of the commonwealth that they see all things, nothing is hid or secret, nothing is straunge or new" (Hooker, 1977, p. 117). Collective law*making*, then, is simultaneously more effective than monarchic law*giving* and is the collective product of princely wisdom, parliamentary knowledge and activity, and the "consent of the whole bodie" of the realm.

Yelverton's second reason for preferring collective legislation returns us to the neo-Roman ideal of freedom: the English people owe their exceptional happiness to their "libertie of likeing, in establishing the lawes that should governe them." Like Morice, Yelverton defines freedom as non-domination: if a man is bound by laws to which he does not consent, then he is not free; if, by contrast, the people consent to the laws that they are bound to obey, then they may be said to be the authors (the "framers") of the non-arbitrary interference those laws visit upon their lives and thus free men (See Skinner, 2007, p. 237; Skinner, 2005, pp. 156-157). The same principle – the neo-Roman ideal that "each law must be

3 Parker, of course, would argue that the necessity of Elizabeth's assent to parliamentary legislation made Yelverton, his fellow MPs, and all the men and women they represented slaves: her veto power made all law-making dependent on her will.

enacted with the consent of those who will be subject to it" (Skinner, 2007, p. 205) – runs through almost all orthodox Elizabethan political philosophy, from Smith to Richard Hooker, who argued that

> "the lawful power of making laws to command whole politic societies of men belongeth so properly unto the same entire societies, that for any prince or potentate of what kind soever upon earth to exercise the same of himself, and not either by express commission immediately and personally received from God, or else by authority derived at the first from their consent upon whose persons they impose laws, it is no better than mere tyranny. Laws they are not therefore which public approbation hath not made so." (Hooker, 1989, p. 93)

Morice and Hooker recognize "common assent" and "public approbation" as sufficient guarantors of the subject's liberty, but Yelverton's emphasis on the people's role in "establishing" and "framing" the laws that govern them seems to suggest that active participation in lawmaking secures freedom.

"Framing" is an especially resonant description of the people's agency. From the beginning, "to frame" named a high order of making: the earliest meanings refer not simply to building and carpentry but to uniting parts into the frame of a ship or house (*OED* II.4). "To frame" quickly acquired meanings proper to intellectual and artistic endeavors – for example, to perfect something (a law, a poem) by bringing it into proper balance; and by the 1580s, many of these meanings had coalesced in the "framing" of pictures and miniatures. "When the people themselves be agents in the frameing of" the laws that govern them, then, they secure their own freedom by *participating* in an exalted kind of fashioning.[4] In Yelverton, we finally have an early modern who not only values active participation – perhaps as highly as liberty – but claims that active participation produces freedom. The subject's obedience *and* freedom depend on his recognition that he is not under domination because he is himself the author of the laws that condition his freedom.

III

Yelverton was not a populist. The "people themselves be agents in the frameing of" law, but their agency, Yelverton acknowledges, is mediated by representation:

4 See Skinner (2005), pp. 162-3 for a very keen discussion of the way the political and aesthetic intersect in "representation."

"According […] to your Majesty's most wide and princely commandment, and according to the ancient and well-ruled freedome of the subjectes of England, hath the whole state of your kingdome (represented here by Parliament) assembled, consulted, and resolved uppon some fewe petitions, thought fitt for lawes to them by your Majestie to be established" (Hartley, 1995, pp. 197-98). The English subject enjoyed an "ancient and well-ruled freedome" not to participate directly in the making of law but to empower representatives who did so on his behalf. In this respect, Yelverton's position – an entirely orthodox Elizabethan account of parliamentary representation (see, for example, Smith, 1583, pp. 34-35; Hooker, 1989, p. 182) – fits neatly into the neo-Roman tradition that Skinner has recovered.[5] Parker, Milton, and Nedham argued that to be free one "must live…under a system in which the sole power of making laws remains with the people *or their accredited representatives*" (Skinner, 1998, p. 74, my emphasis). Thus, to say that a state is free only when "*all* individual members of the body politic […] remain equally subject to whatever laws *they choose to impose upon themselves*" (ibid., my emphasis) is "not to say that individual freedom […] can in some sense be *equated* with virtue or the right of political participation": rather, Skinner cautions, the "writers [he is] discussing merely argue that participation (at least by way of representation) constitutes a necessary condition of maintaining individual liberty" (1998, p. 74-5 n38).

Skinner's work on representation is often wonderfully illuminating, but he misses something here: representation does not minimize the importance of participation; rather, it makes universal participation the positive condition of freedom because the ideology of representation in early modern England insists that there is no "or" between "the people" and "their accredited representatives," between "participation" and "participation […] by way of representation." Skinner himself argues that some "English political writers" in the 1640s conflated "the people" and their MPs: Parker, for example, insisted that Parliament is "vertually the whole kingdom it selfe'" (see Skinner, 2005, pp. 155 and 164). Given the full original force of "virtually" ("[i]n respect of essence or effect" [*OED* 1]), to "say that Parliament is virtually the people," Skinner observes, "is to say that, so far

5 Thus, Richard Hooker argues that only "public approbation" legitimates a law, but "approbation not only they give who personally declare their assent by voice sign or act, but also when others do it. […] As in parliaments, councils, and the like assemblies, although we be not personally ourselves present, notwithstanding our assent is by reason of others agents there in our behalf. And what we do by others, no reason but that it should stand as our deed, no less effectually to bind us than if ourselves had done it in person" (Hooker, 1989, p. 93).

as its essential qualities and powers are concerned, Parliament is no different from the people in any way at all. Its voice can be regarded as strictly equivalent to 'the voice of the whole Kingdom,' and its recommendations" (2005, p. 164).

Skinner has shown that Charles I's defenders sought to delegitimize the Commons' authority on the grounds that MPs only imperfectly represented the people: Digges pointed out that women did not vote; even among men, Spelman remarked, Parliament was elected by "a miner number of the people" (qtd. in Skinner, 2006, p. 160). Digges and Spelman, then, do not question the efficacy of representation *per se*; rather, they merely claim that limits on the franchise leave many men and women unrepresented. Long before the crisis of the 1640s, Charles I's father articulated a vastly more devastating critique of parliamentary representation. As he brought the first session of his first parliament to a close, James I admonished the MPs: "This house doth not so represent the whole commons of the realm as the shadow doth the body but only representatively. Impossible it was for them to know all that would be propounded here; much more all those answers that you would make to all propositions" ("Speech at the prorogation of parliament, July 7, 1604," Kenyon, 1966, p. 36). "[B]ut only representatively": James insists on the very difference between real and representative presence that Parker aims to efface.

James was reacting to Jacobean MPs who, like their Elizabethan predecessors, sometimes attributed to political representation a kind of secular magic that matched the mysticism of divine kingship. In 1593, for example, Francis Bacon argued that every man in England was personally present in the Commons' chamber in St. Stephen's Chapel. During the Commons' consideration of a bill to settle the countess of Cumberland's jointure, Sir Thomas Heanage reported that Francis Clifford, a party with an interest in the proposed settlement, had assured him that he "was contented" that it pass. A few MPs objected that Heanage's report of Clifford's speech was immaterial, but Bacon successfully persuaded the House that reported speech introduced into Commons' proceedings could not be considered hearsay: "Mr. Francis Bacon in this pointe shewed there was a difference betwixt this Courte [...] and other inferiour courtes [...] for there they are not to credit report or information, but the party to be bound must be brought *coram* and be present. But in this Court representatively all men are present, wherfore this scruple needs not that the party to be bound should be here seene, for all men are here present representatively. So this bill passed currant" (Hartley, 1995, p. 122). How can the claim that "all men are here present representatively" answer the charge of hearsay? The juridical "scruple" of disregarding hearsay rests entirely on a distinction between actual presence and representative presence. Bacon dismisses the distinction between direct testimony and

reported speech because the magic of political representation has effaced the difference between being present in one's own person (coram) and being "present representatively."[6] Bacon does not exempt Parliament from hearsay rules; he claims that such rules are irrelevant to Parliament because political representation produces something like the "real presence" of the people of the realm in their parliamentary representatives.

What we might think of as conservative critiques of political representation *per se* could be found even among MPs. For example, Arthur Hall, who frequently disparaged the body in which he served, mocked the Commons' claims to represent the entire realm: "your number of Parliament men you see in your house are fewe to the huge multitude of them whose consents are bounde by your agreemente." (Hall, 1576, Eii^{r}). Was there a radical critique of political representation in early modern England? Occasionally, even MPs who promoted the Commons' importance tacitly allowed that there was a difference between the MPs and the people themselves. During the 1572 debates over the fate of Mary, Queen of Scots, Robert Snagge proposed that the entire realm be canvassed: "He would have every man which is absent likewise to declare their consent as we have don, and therefore requireth a generall oath" (Hartley, 1981, p. 392). Outside of St. Stephen's, a few voices argued that customs were as good as statutes because they more perfectly expressed the people's consent (Anon., 1584, pp. 3-6). The crises of the 1640s tended to confirm rather than pressure the fundamental soundness of political representation as the proper mechanism by which the subject secured his freedom. For example, Parker argued that direct democracy not only was impractical – the "reall body of the people, is too cumbersome and irregular in its movements to be capable of acting for itself" (qtd. in Skinner, 2005, p. 163) – but also unsound: "by virtue of election and representation, a few shall act for the many, the wise shall consent for the simple, the virtue of all shall be reduced to some, and the prudence of some shall redound to all" (ibid. p. 164). Even Rainsborough was on board: when he famously claimed at Putney that "the poorest he […] that is to live under a government ought first by his own consent to put himself under that government," he was arguing for a wider franchise rather than questioning the legitimacy of representation *per se* (Firth, 1891, p. 301).

6 The Latin preposition "coram" means "before" and was widely used to indicate personal presence before a juridical body. Richard Huloet and John Higgins define "coram" as "In my presence. Ante oculos. Coràm me, Sub oculis" (Higgins, 1572, kkijr).

IV

Did anyone in early modern England believe that in order to be free, a citizen had to participate in political life *in his own person*? It would seem not: from Smith to the Levellers, English champions of freedom accepted voting – or, even, the condition of being represented – as sufficient. For critiques of representation as an impediment to liberty, we have to look beyond England to Rousseau, to some of the anti-Federalists, to Robespierre. With one exception: in *Coriolanus*, Shakespeare, that most English of writers, posits a necessary relation between freedom and mass participation; Rome's common citizens win true liberty through collective action, and they lose it when they cease to act for themselves but act instead through – and under the dominion of – political representatives.

In the first scene of the play, Rome's starving citizens – outraged by rampant usury and exorbitant grain prices – rebel against the Senate. Although these plebeians enjoy the status of citizens, they do not have any effective political rights; instead, they depend wholly on the "mercy and compassion" of the patricians: "What authority surfeits on would relieve us," the First Citizen complains in the unmistakable rhetoric of early modern charity; "if they would yield us but the superfluity, while it were wholesome, we might guess they relieved us humanely" (1.1.12-15).[7] The rebellion is necessary, the First Citizen tells the patrician Menenius, precisely because the Senators regard the plebeians not as rights-bearing citizens but as "poor suitors" spouting words: "Our business is not unknown to the senate; they have had inkling this fortnight what we intend to do, which now we'll show 'em in deeds. They say poor suitors have strong breaths: they shall know we have strong arms too." (1.1.50-51). The revolt ends when the besieged Senators grant the citizens the right to elect tribunes who will make their voices heard in Rome's political sphere. Prior to the rebellion, then, "citizen" is worse than an empty title: it is a veil of servitude. Indeed, because the senators exercise absolute control over the distribution of grain, the plebeian citizens' very lives depend on their masters' wills.[8]

The tribunate seems to secure for the people both real freedom and the opportunity to participate actively in political life. To be sure, the tribunes fear that their "office may […] go sleep" if Coriolanus has his way (2.1.209), but the suspension of the tribunate would now be a coup rather than the exercise of an already constituted prerogative: the citizens are not under domination because

7 All quotations from *Coriolanus* follow Shakespeare, 1986. For the rhetoric of relief, distribution, superfluity, and sufficiency, see Smith, 1592, A5 v, A6 v. C2 r, C1 r.

8 For the master's power over the slave's life, see Skinner, 2002a, p. 9-10.

the Senate no longer possesses an arbitrary power to interfere with them. Thus, when Coriolanus seeks to reduce the people to their former status, the tribunes accuse him of treason: "We charge you, that you have contrived to take / From Rome all seasoned office and to wind / Yourself into a power tyrannical; / For which you are a traitor to the people" (3.3.66-68). Despite the seeming provocation of "seasoned" (the tribunate is still in its infancy), even Coriolanus' friends offer no defense against the charge of innovation.

Shakespeare departs from North's Plutarch, his principal source, to forge an exceptionally clear link between revolutionary political action and the transformation of Roman citizenship. In Plutarch, the plebeians rebel after the Senators break their promise to restrain rapacious creditors; the Senate finally begins to debate measures against usury only after the plebeians refuse to help defend the city against its enemies; the people, tired of waiting for a do-nothing Senate to act, leave Rome, encamp themselves on Mons Sacer, and contemplate the possibility of permanently abandoning Rome for greener pastures. The citizens return to Rome after Menenius, acting on behalf of the Senate, agrees to the establishment of the tribunate. In Plutarch, revolutionary violence fizzles, but a walk-out brings victory. Shakespeare, by contrast, makes the citizens' attempt to occupy the Capital the effective cause of change. The citizens we see in Act 1 mock Menenius's Fable of the Belly – he assures the citizens that the Senatorial belly selflessly distributes nourishment to the plebeian members – and, as they prepare to resume their assault on the Capitol, we learn that the senate has acceded to the demands of another mass of rebelling citizens (1.1.39).

Shakespeare's model for citizenship *is* revolutionary action: the citizens win rights by acting, and only active participation will maintain their rights. If we're hoping to see in the rest of the play a kind of institutionalized revolutionary citizenship, we'll be disappointed. As soon as the tribunate is created, the citizens are transformed into passive and mostly mute pawns of their representatives. The tribunes Sicinius and Brutus muster the people when they need muscle to back up their proclamations against Coriolanus, but they seek to exclude the people from political participation as much as possible: "Go home," they urge the citizens again and again (see, for example, 4.2.1-8); and they congratulate themselves on creating a Rome in which "tradesmen," rather than "pestering [the] streets," stay in "their shops […] going / About their functions friendly," a Rome in which the citizens no longer run "about the streets, / Crying confusion" (4.6.5-9 and 4.6.29-31). The tribunes, the relieved patricians come to realize, are the new "masters o'th'people" (2.2.51; cf. 2.2.77); and, indeed, the citizens now submit themselves on bended knees before the men whom they have empowered (see 2.1.67-76; 4.1.22-27).

Even when the citizens do reappear on the political stage, they no longer conceive of themselves as agents capable of autonomous action: when Coriolanus defies the tribunes' authority, the First Citizen warns that the intemperate general "shall well know / The noble tribunes are the people's mouths, / And we their hands" (3.1.270-72). The First Citizen, who once wittily thwarted Menenius' attempts to figure the plebeians as the extremities of the body politic, now figuratively incorporates the people as the tribunes' hands and acknowledges that the people depend on the tribunes to speak for them. Thus, in the great scene of Coriolanus's expulsion from Rome, the tribunes make the people their puppets:

Sicinius: [...] in the name o'the'people,
And in the power of us the tribunes, we
E'en from this instant banish him our city
In peril of precipitation
From off the rock Tarpeian, never more
To enter our Rome gates. I'th' people's name
I say it shall be so.
All: It shall be so, it shall be so! Let him away!
He's banished, and it shall be so!
[…]
Brutus: There's no more to be said, but he is banished
As enemy to the people and his country.
It shall be so!
All: It shall be so, it shall be so!
[…]
Aedile: The people's enemy is gone, is gone.
All: Our enemy is banished, he is gone. Hoo-hoo.
Sicinius: Go see him out at gates, and follow him,
As he hath followed you, with all despite.
Give him deserved vexation. Let a guard
Attend us through the city.
All: Come, come, let's see him our at gates. Come.
And the gods preserve our noble tribunes! Come. (3.1.103-09, 120-23, 140-47)

Before they trade their own voices for political representation, the people deliberate amongst themselves (1.1.1-29), collectively resolve a course of action (1.1.30), and counter patrician ideology with their own entirely coherent analysis of inequality (1.1.15-17 and 70-76). "Hoo-hoo": if the citizens can speak only words supplied by their tribunes, they have no voice of their own; if they can

only participate in political affairs by way – and on the say so – of the tribunes, they have lost their capacity for active citizenship; if the citizens are a hand moved by the will of others, they have lost their freedom.

V

In *Coriolanus*, *Titus Andronicus*, and *Julius Caesar*, political representation invariably monopolizes participation for the representing class and *necessarily* diminishes the freedom of the represented. On Shakespeare's account, political representation is incompatible with an ideal of freedom as non-domination because political representation – as a practice and as a mystification – makes those who are represented dependent on those who represent them. Skinner shares some of Shakespeare's anxiety about representation:

> "It is […] open to us to meditate on the potential relevance of a theory which tells us that, if we wish to maximise our own individual liberty, we must cease to put our trust in princes, and instead take charge of the public arena ourselves. It will be objected that this is the merest nostalgic antimodernism. We have no realistic prospect of taking active control of the political processes in any modern democracy committed to the technical complexities and obsessional secrecies of present day government. But the objection is too crudely formulated. There are many areas of public life, short of directly controlling the actual executive process, where increased public participation might well serve to improve the accountability of our *soi disunt* representatives […] unless we place our duties before our rights, we must expect to find our rights themselves undermined." (Skinner, 1986, pp. 249-50)

Skinner is kin to those republicans who recognize representation as, at least potentially, a threat to liberty, who would nod their heads to the American politician Al Smith's great prescription that the "cure for the defects of democracy is more democracy."[9]

Pettit, by contrast, suggests that the ills of representative democracy can be cured by more representation. Pettit is a Madisonian in so far as he believes that democracy is both impractical and undesirable: "I assume that the prospect of plebiscitary government is infeasible and indeed that it would be wholly inimical to the cause of deliberation, so that democratic government is inevitably representative government" (Pettit, 2004, p. 52). Pettit, then, simultaneously denies the possibility of democracy and (unconvincingly) redefines democracy as

9 Smith's remark was first recorded in 1923; I quote here from Smith, 1932, p. XX2.

representative government: "Systems of representative government, I shall assume, are designed to give control over government to the people. Far from being an alternative to democracy […] they embody an institutional framework or rather a family of frameworks for realizing the democratic ideal of giving *kratos* to the *demos*, power to the people" (Pettit, 2010, p. 61; Pettit, 2004, p. 59).

Pettit tames democracy by subsuming it within a system of representation, but he wants to defang it further because too much democracy – at least of the Athenian sort – is inimical to fostering deliberation. Deliberative democracy diverges from "the most familiar conception of the role of democracy…as the means whereby a people as a whole asserts its collective will" and instead embodies "an alternative conception [that] represents democracy, not as a regime for the expression of the collective will, but rather as a dispensation for the empowerment of public valuation" (Pettit, 2004, p. 58). Deliberative democracy requires, first of all, that we institute the most mediating form of political representation:

> "Indicative representers *stand for* the representees in the sense of typifying or epitomizing them; how they act is indicative of how the representees would act. Responsive representers *act for* or *speak for* the representees, playing the part of an agent in relation to a principal; how they act is responsive to how the representees would want them to act. Both sorts of representation, so I shall assume, have to be authorized by the representees. Authorized indicative representers I describe as proxies, authorized responsive representers as deputies. Deputies divide, in a traditional distinction, into delegates who are more or less explicitly directed by representees and trustees who have interpretive discretion in determining how to construe their representees." (Pettit, 2010, p. 65)

To serve the aims of deliberation and depoliticization, Pettit argues, "all public deputies will have to be interpretive trustees rather than directed delegates" (ibid., p. 78).

Pettit's preference for "interpretive trustees" further qualifies the limited role he assigns the *demos*. Democracy, Pettit argues, has "two dimensions": "First, democracy has to orient government to all common, recognizable interests of its people. And, second, it has to orient it only to such common, recognizable interests" (Pettit, 2000, p. 114). Pettit suggests that we think of these two dimensions as, respectively, authorial and editorial. The authorial dimension is positive: "ordinary people" participate by "searching out and generating a rich supply of presumptive common-interest policies" (ibid., p. 116). However, Pettit's citizens will not directly articulate such policies; rather, the "authorial role has to be implemented, clearly, by electoral institutions whereby policies and policy-making agencies are thoroughly discussed" (ibid., p. 116). Thus, the people are "the indi-

rect, electoral authors of […] policies" that achieve articulate form only when "interpretive trustees […] construe their representees."[10]

Mediating the people's authorial role is still an insufficient containment of the dangers of democracy in its "familiar" form: if "deliberation is to predominate, then the power of those representatives must be passed on in various areas to appointed boards and officials" (Pettit, 2004, p. 59). Editorial control – the "negative scrutinize-and-disallow dimension" of democracy – "cannot be exercised collectively, in the manner of electoral, authorial control" because "whatever problems arose in the first dimension will recur in the second. The editorial control that democracy requires […] has got to be exercised by individuals or groups at a noncollective level" (Pettit, 2000, p. 118).[11] All of the ills of Pettit's Republic can't be cured by more representation; some ills require the more radical cure of granting to non-elected "individuals and groups" something very like a negative voice in the legislative process. In 1642, Henry Parker claimed that Charles' power to veto bills passed by the Lords and Commons "subjects [the English people] to as unbounded a regiment of the Kings meere will, as any Nation under Heaven ever suffered under"; when, in 1649, Charles doggedly refused to part with the negative voice, the champions of liberty parted his head from his body.[12]

10 Pettit believes that the people can trust that their own ideas will survive the mediation of representation because their representatives "have an incentive to enhance their chances of election and reelection by promoting any cause that can attract general support" (Pettit, 2000, p. 125).

11 It is not particularly important to Pettit that such bodies be established by collective consent (ibid., p. 119).

12 For Skinner on Charles' "Negative Voice," see Skinner, 2007, p. 238. Pettit insists that his non-elected editors would not possess a negative voice: "while editorial control must operate at noncollective levels, it cannot plausibly take the form of a veto" (Pettit, 2000, p. 118). But the editorial agencies that Pettit envisages could indeed thwart the will of the elected bodies whose purpose it is to generate policies for editorial consideration. Such agencies would not resemble the Supreme Court – a check, that is, on the legislative branch; rather, they would be part of the legislative process and could prevent collectively generated "policy ideas" from becoming law (ibid., p. 120).

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