

John Milton, *Areopagitica*

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## I

Commentators have increasingly converged in their accounts of the literary strategy of *Areopagitica*; *A Speech of M<sup>r</sup>. John Milton for the Liberty of Vnlicenc'd Printing, To the Parliament of England* (November 1644). Its potency, they agree, stems from Milton's constant disruption of his own lines of argument, his own sequences of images, and his own rhetorical forms (see Fish 1988; Cable 1995: 117-43; Norbrook 1999: 118-39). But at the same time they have increasingly diverged in their accounts of the tract's ideological identity to the extent that it is now cited in support of flatly opposed positions. Thus a recent textbook on *Free Speech* claims that John Stuart Mill's argument in *On Liberty* (1859) merely 'follows the broad outlines' of *Areopagitica*, as demonstrated by a series of parallel extracts (Haworth 1998: 120, 224-8; see also Cable 1995: 129-35). By contrast, Stanley Fish maintains that Milton 'has almost no interest at all in the "freedom of the press"' and even that he 'does not unambiguously value freedom at all' (Fish 1988: 235). Milton's alleged denial of free speech then becomes the springboard for the yet more startling proposition that "There's no such thing as free speech, and it's a good thing, too" (Fish 1994: 102-19). The reason for this lack of consensus is that *Areopagitica*, widely regarded as one of the constitutive texts of modern liberalism, has become a contested site in a larger dispute about liberal values. This essay outlines the more controversial features of the work and then proposes an alternative, republican reading.

## II

Half way through *Areopagitica*, Milton changes the angle of his attack on the Licensing Order of June 1643 from 'the no good it can do, to the manifest hurt it causes' (Milton 1953-82, 2: 530; edition henceforth cited by volume and page number). He focuses on the figure of the licenser, without whose prior consent, according to the Order, no 'Book, Pamphlet, or paper, shall from henceforth be printed, bound, stitched or put to sale' (2:797). However, Milton complains,

I know nothing of the licencer but that I have his own hand here for his arrogance; who shall warrant me his judgement? The State Sir, replies the Stationer, but has a quick return, The State shall be my governours, but not my criticks (2:533-34).

Milton sometimes refers to critics and criticism in the narrow sense, as when he scorns 'the worme of *Criticisme*' in one pedantic opponent, or mocks *Eikon Basilike* for the 'petty glosses and conceits' yielded by its 'criticism' of divine judgements (1: 916-17; 3: 430). But here Milton is not thinking of critics as commentators upon what is written but as those who choose what is to be read. They are like the connoisseurs of sin who scan 'heathen Writers' on behalf of others and

instill the poison they suck, first into the Courts of Princes, acquainting them with the choisest delights, and criticisms of sin. As perhaps did that *Petronius* whom *Nero* call'd his *Arbiter*, the Master of his revels; and that notorious ribald of *Arezzo*, dreaded, and yet dear to the Italian Courtiers. (2: 518)

The message of Milton's epigrammatic 'return' to the stationer is thus that those who govern the state will be exceeding their powers if they arrogate to themselves choices 'wherein every mature man might ... exercise his own leading capacity' (2: 513).

Nevertheless, this attempt to differentiate between governors and critics may appear little better than a verbal sleight of hand. After all, what are our governors for if not to make choices on our behalf? The difficulty deepens when we recall a passage near the start of *Areopagitica*:

I deny not, but that it is of greatest concernment in the Church and Commonwealth, to have a vigilant eye how Bookes demeane themselves, as well as men; and thereafter to confine, imprison, and do sharpest justice on them as malefactors... (2: 492)

So books as such are not beyond the scope of state surveillance, in which case Milton appears to be asserting simultaneously that the state can and cannot interfere with

them, arousing suspicion in turn that the distinction between governors and critics is merely a form of words devised to cover his confusion.

More notorious still is the passage in the peroration that affirms the principle of toleration only to modulate into something harsher:

if all cannot be of one mind, as who looks they should be? this doubtles is more wholesome, more prudent, and more Christian that many be tolerated, rather then all compell'd. I mean not tolerated Popery, and open superstition, which as it extirpats all religions and civill supremacies, so it self should be extirpat, provided first that all charitable and compassionat means be us'd to win and regain the weak and the misled...(2: 565)

It might be pleaded that Milton is one of many seventeenth-century figures, like John Locke, who argued for toleration but excluded Roman Catholics (see now Coffey 1998). Furthermore, Milton's expressions appear no more violent than those of Roger Williams, who famously *did* extend toleration to Catholics in his *Bloudy Tenent of Persecution* (1644). For while Williams thinks they should be tolerated, this does not mean, as we might expect, that they are 'to be let alone'. On the contrary, such 'Antichristian idolaters' ought to be 'spiritually stoned to death' (Woodhouse 1974: 269-70). Even so, there seems no escaping the fact that Milton floats a distinction between governors and critics that he either forgets or disregards.

This crux has become a standard feature of commentaries. David Masson set the pattern when he memorably remarked that *Areopagitica* was a work which 'bites into modern interests and the constitution of the modern intellect' – despite the fact that 'in his theory of Toleration, Milton was decidedly behind some of his contemporaries' (Masson 1859-94, 4: 288, 302). Likewise, for Catherine Belsey, *Areopagitica* is 'one of the founding and canonical texts of modern liberalism' – even though it offers a 'rather authoritarian version of liberalism' (Belsey 1988: 77-8). As 'Milton's most inarguably liberal pamphlet', it looms large in Annabel Patterson's account of *Early Modern Liberalism* – notwithstanding 'the exceptions he granted to the ideal of toleration' (Patterson 1997: 23, 64). Similarly, for Barbara Lewalski its arguments 'have become a cornerstone in the liberal defense of freedom of speech, press and thought' – albeit 'critics have properly taken note' of their qualified nature (Lewalski 1998: 64). They all insist, that is, on the integrity of Milton's professions

of liberal principle while acknowledging that there are exceptions at odds with what he professes – and leave it at that, tacitly conceding that *Areopagitica* 'lacks conceptual coherence' (though, according to Thomas Corns, it is not unique in this respect since it is always a mistake 'to look for philosophical coherence in Milton's controversial prose') (Dobranski 1998: 146; Corns 1992: 56).

Others, however, foreground the exceptions in the hope of exposing the emptiness of Milton's professions. Fish welcomes the 'tensions and discontinuities' precisely because they disrupt what is otherwise taken for 'the steady unfolding of a classic liberal vision' (Fish 1988: 248). Willmoore Kendall argues that we will have 'learned to read the *Areopagitica* only when we can read this passage [about popery] and *not* find in it any inconsistency'. What we must realize is that *Areopagitica*, despite its 'intoxicating rhetoric' of freedom, actually belongs to 'a realm of discourse entirely different from Mill's' and that 'its rightful place' is 'among the political treatises we have all been brought up to deplore' which *oppose* freedom of thought and speech (Kendall 1960: 440, 446, 453, 461n). For John Illo too the 'torrential majesty of Milton's prose' and 'the grand libertarian generalities' impede our understanding of *Areopagitica*, which has consistently been read – or rather misread – as if it were the work 'of a Jefferson, not of a Robespierre', whereas the truth is that it was 'not liberal or libertarian even in its own time, but a militant and exclusivist revolutionary pamphlet' (Illo 1972: 186, 187, 189).

These commentators in short offer a choice between, on the one hand, a tract that is liberal but conceptually incoherent and, on the other, one whose rhetoric of freedom is disconnected from its actually illiberal tendencies. But whichever version you choose, *Areopagitica* is radically inconsistent.

### III

My aim is to pick a different route through these issues, guided by the recent work of Philip Pettit and Quentin Skinner on the "republican" (or, as Skinner prefers to term it, "neo-roman") theory of freedom which challenges the view of liberty, dominant since the late eighteenth century, as something to be understood purely negatively in terms of the absence of interference or coercion. As Isaiah Berlin, the most influential recent spokesman for the negative concept, puts it, 'being free' is a matter of 'not being interfered with by others. The wider the area of non-interference the wider my

freedom'. Liberty is the space within which we are not answerable to others, and, for the purpose of maximizing this space, what matters is not by whom but how much we are governed. Berlin's survey of the extent to which various regimes interfere with us leads him to conclude that liberty 'is not incompatible with some kinds of autocracy, or at any rate with the absence of self-government' since 'it is perfectly conceivable that a liberal-minded despot would allow his subjects a large measure of personal freedom'. This is, moreover, not some hypothesis entertained for the sake of argument but a description of the near-ideal state of affairs that existed in eighteenth-century Prussia or Austria (Berlin 1969: 123, 129 and note).

In undoing this knot of liberal beliefs, Pettit and Skinner appeal to several early modern writers – including Milton – who represent a rival tradition of thinking about liberty. Three of the arguments singled out from this tradition are especially relevant to *Areopagitica*. The first is that while the theorists of negative liberty are right in claiming that our liberty will be diminished to the extent that we are interfered with or coerced, this is not the only way in which we can become unfree. We also forfeit our liberty whenever we find ourselves dependent on the good will of others for the continued enjoyment of our rights. For even if we are, as it happens, subject to a liberal-minded despot who allows us a large measure of personal freedom, we nevertheless have to live with, and will be constrained in our behaviour by, the danger that this measure of freedom can be taken away at any time. As Skinner remarks, 'it is the mere possibility of your being subjected with impunity to arbitrary coercion, not the fact of your being coerced, that takes away your liberty and reduces you to the condition of a slave' (Skinner 1998: 72). Accordingly, we can now see that the reason why Milton objects so strongly to the system of pre-publication censorship is that it leaves the author's freedom to publish wholly at the discretion of the licenser. How that discretion happens to be exercised is beside the point. While it is of course deplorable if your work is interfered with, you are no better off if your licenser turns out to be liberal-minded and declines to change one iota of your text because the fact that you are dependent on the will of others, even if they show no inclination at present to exert their powers and may never do so, is enough in and of itself to render you unfree.

Milton's convictions on the topic of freedom and unfreedom were shaped by his reading of Roman law in the early 1640s. The *Commonplace book* has several entries from Justinian's *Institutes* on 'what lawyers declare concerning liberty and

slavery' (1: 470). Just as in the Roman law of persons children and slaves are unfree by virtue of being subject to the will of others (see Skinner 1998: 40-41), so, according to Milton in *Areopagitica*, to be required to conform to the Licensing Order is to be treated as a child or slave without a will of your own and, in consequence, to be unfree. Even though God did not intend man to be 'captivat under a perpetuall childhood of prescription', Milton observes, those in favour of licensing do not 'count him fit to print his mind without a tutor and examiner' (2: 514, 531). But in this case,

What advantage is it to be a man over it is t be a boy at school, if we have only scapt the ferular, to come under the fescu of an *Imprimatur*? if serious and elaborat writings, as if they were no more then the theam of a Grammar lad under his Pedagogue must not be utter'd without the cursory eyes of a temporizing and extemporizing licenser. (2: 531)

The author is forced to 'appear in Print like a punie with his guardian'. Nor can any serious reader respect writings produced 'under the tuition, under the correction of his patriarchal licencer' or published 'under the wardship of an overseeing fist'. What the Licensing Order systematically brings about therefore is the infantilization of the author, leaving him in a condition of legal disability which is nothing short of 'servitude like that impos'd by the Philistims', an 'undeserved thraldom upon learning' and a 'second tyranny over' it (2: 532, 533, 536, 539).

The second of the arguments highlighted by Pettit and Skinner concerns law and coercion. This is a topic that those for whom liberty is nothing other than non-interference can exhaust in a few equations. Since all laws are coercive, and since freedom consists in the absence of coercion, freedom is that space upon which the laws have not encroached. And since empty space is empty space wherever you are, the liberty of the subject will not vary from regime to regime, as Hobbes famously insisted: 'Whether a Common-Wealth be Monarchical, or Popular, the Freedome is still the same' (Hobbes 1996: 149). The reply to Hobbes, as to Berlin earlier, is that in order to remain free it is not enough to avoid being coerced; we must also avoid being dominated by those with arbitrary (even if unexercised) powers. However, this is not quite the last word for, according to Pettit, just as there can be domination without interference (as in the case of the liberal-minded despot), so there can be interference without domination. This is because domination and interference are

'different evils'; whereas the former 'requires only that someone have the capacity to interfere arbitrarily', the latter 'need not involve the exercise of a capacity for arbitrary interference, only the exercise of a much more constrained ability'. The upshot is that 'you can be interfered with by some agency, as in the case of subjection to a suitable form of law and government, without being dominated by anyone' (Pettit 1997: 23, 80).

This view of state interference as a relatively benign phenomenon helps to make sense of Milton's insistence that the state is properly concerned with 'how bookes demeane themselves'. All the forms of state coercion that Milton is prepared to countenance in fact involve the due process of law and are therefore non-arbitrary. The point of keeping 'a vigilant eye' on books after they have been published is to do 'justice on them as malefactors'. Anyone who publishes their work freely does so 'standing to the hazard of law and penalty' Milton (2: 492, 531). And when it comes to 'regulating the Press', the most Milton will endorse is the minimal Order of January 1642 which, he reports, required

that no book be Printed, unlesse the Printers and the Authors name, or at least the Printers be register'd. Those which otherwise come forth, if they be found mischievous and libellous, the fire and the executioner will be the timeliest and most effectuall remedy... (2: 569)

While this sounds draconian, no book would be burnt unless guilty of infractions of the 1642 Order *and* of the existing laws of sedition and libel. As Pettit remarks, 'provided that it is not arbitrary, state interference will not count as a serious loss – as a way of compromising liberty – in the republican's book' (Pettit 1997: 76n). And nor does it in Milton's.

The third and final aspect of the republican or neo-roman tradition is statecraft in the literal sense of shaping the state around ideals and values. Here Pettit outlines two possible strategies; the 'first is that the value or good or ideal should serve as a goal for the state to promote, the second that it should serve as a constraint on how the state is to pursue other goals' (Pettit 1997: 97). So if a state values peace and wishes to promote it, then there are times when the pursuit of this objective may entail going to war. But if peace serves as a constraint, then the state will honour this by behaving

peaceably in all its dealings, and will avoid war, even – or especially – war waged in the name of peace.

The classic text in which these statebuilding strategies are played out in tandem is More's *Utopia*. Treating values as constraints to which every part of utopian society must bear witness is what generates much of the fascinating detail in the description of the utopian commonwealth. At times, however, the utopians adopt a consequentialist attitude, promoting their values by whatever means are necessary. Thus they despise war but are ruthless military tacticians. Such paradoxes are, however, a regular feature of the republican tradition. For Machiavelli, freedom is a goal, not a constraint, and, rather than allow citizens who have become corrupt to lose their liberty, he takes the strongly consequentialist line that they must be forced to be free by being coerced into virtue (see Skinner 1993: 304-6). And, on the eve of the Restoration, it is the line Milton takes in *The Readie and Easie Way* when arguing that it is 'just' for 'a less number [to] compell a greater to retain, which can be no wrong to them, thir libertie' (7: 455). This has been deplored as 'a terrible argument' (7: 212), but it has some claim to be regarded as one of the most characteristically republican utterances in Milton's most republican treatise.

The distinction between goals and constraints helps to explain the charges of conceptual incoherence levelled against *Areopagitica*. For what these assume is that the freedom of speech features in Milton's account of the public sphere not as a goal which the state is to promote but as a constraint by which the state is bound in all its dealings. On this view, nothing that the state does should derogate from, or fail to bear witness to, the ideal of freedom of speech. So when Milton endorses prosecutions for sedition and libel or condones book burning he has evidently forgotten the premise on which his argument is (supposedly) based. But not only he does he show no interest in fetishizing freedom of speech, as these commentators require, he also goes out of his way to dismiss statebuilding exercises as such. Plato merely 'fed his fancie with making many edicts to his ayrie Burgomasters' while 'To sequester out of the world into *Atlantick* and *Eutopian* polities, which never can be drawn into use, will not mend our condition' (2: 522, 526). The hostility to mere paper consistency is all of a piece with his consequentialist attitude to the freedom of speech, which the state should promote by whatever means, even if, on occasion, this means suppressing speech (a similar argument applies to the denial of liberty of conscience to Catholics).

My conclusion is that many of our current difficulties with *Areopagitica* are self-created. They arise from a propensity to assess Milton's text in terms of inappropriate, because anachronistic, categories and concepts. One such is negative liberty when, as far as I can see, it is impossible to produce a consistent reading of *Areopagitica* solely in terms of the concept, at least as Hobbes or Mill or Berlin understood it. The republican or neo-roman theory of freedom appears to do much better by the work, above all in effecting a reconciliation between Milton's rhetoric of freedom and the degree of state coercion that he countenances. The slogan 'interference without domination' seems a fair modern rendition of 'The State shall be my governours, but not my critics'.

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Composed in 1644, John Milton's *Areopagitica* is a polemic, written in prose, in which the English poet and academician expresses his viewpoints in opposition of censorship. It is considered to be among the most influential treatises defending the concept of a human's right to free speech and expression. *Areopagitica* takes its title from the Greek *Areopagitikos* written in the fifth century BC by the Athenian Isocrates. It was distributed in the form of a pamphlet in defiance of the type of censorship he was protesting. John Milton's *Areopagitica* protests against and calls for the repeal of the Licensing Order of 1643, which required all books to be reviewed by the official censor before being published. Milton begins his argument by praising Parliament's history of defending liberty. He then explains that a free press was a highly valued aspect of ancient Greek and Roman societies.