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Politica Sacra et Civilis

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CAMBRIDGE TEXTS IN THE
HISTORY OF POLITICAL THOUGHT

GEORGE LAWSON
Politica Sacra et Civilis

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丛书编辑

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在政治理论领域，"剑桥政治思想史原著系列"作为主要的学生教科丛书，如今已牢固确立了其地位。本丛书旨在使学生能够获得从古希腊到 20 世纪初期西方政治思想史方面所有最为重要的原著。它囊括了所有著名的经典原著，但与此同时，它又扩展了传统的评价尺度，以便能够纳入范围广泛、不那么出名的作品。而在此之前，这些作品中有许多从未有过现代英文版本可资利用。只要可能，所选原著都会以完整而不删节的形式出版，其中的译作则是专门为本丛书的目的而安排。每一本书都有一个评论性的导言，加上历史年表、生平梗概、进一步阅读指南，以及必要的词汇表和原文注解。本丛书的最终目的是，为西方政治思想的整个发展脉络提供一个清晰的轮廓。

本丛书已出版著作的书目，请查阅书末。

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Preface

My first thanks are to the editors of Cambridge Texts in the History of Political Thought for inviting me to prepare this edition. This was done largely in Cambridge during 1990. Specifically my thanks to Richard Tuck for advice given despite the toils of bringing his edition of *Leviathan* to its conclusion; to Raymond Geuss; and especially to Quentin Skinner for help and much typical kindness. During my stay in Cambridge, solicited and unsolicited assistance saved hours of time.

Much of this help was given during lunch at Clare Hall and during random, if sometimes subversive, breaks in the University Library Tea Room. My thanks to the denizens of the latter and to the fellows and Anthony Low, President of the former – a college of surpassing friendliness.

In particular I am grateful to Hugh Williamson for transliterating Hebrew, Pascalis Kitromilides for advice on some of the Greek, John Kilcullen for helping with Lawson's non-citation of medieval texts. Additional thanks are due to John Morrill and Mark Goldie, and to Ian Maclean, who made me feel a little less foolish for being unable to trace a reference to Grotius; to Bruce Kaye (for more Hebrew); to Paddy Schreuder for all the hard work on Dr Carr's convoluted and misprinted poem; to Averil Condren for further help, sub-editing and the index; and to Libi Nugent for keyboard skills, intelligent attention to detail and her wry patience. My thanks also to Laurien Berkeley for copy-editing.

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Editor's introduction

I

George Lawson's *Politica sacra et civilis* is a systematic treatise which traverses much of the conceptual terrain of seventeenth-century political discourse, and provides a critical accompaniment to many of the loudest catch-cries that echoed over it. Lawson's stated purpose is to facilitate a lasting civil and religious settlement. He conceives the church and the state as two broadly parallel and mutually informing structures of political, sovereign power and argues that an understanding of either requires an understanding of both. As Lawson provides an accessible synopsis of the volume in 'The arguments of the several chapters' (pp. 8–13), only the briefest outline of the work's theoretical structure is needed here.

Lawson begins by sketching in what he takes to be the nature of all forms of government under a supreme being, the very existence of whom is taken to limit all modes of human allegiance. From the outset, then, Lawson prefigures the central importance to him of authority and its limitations. In chapters two and three he introduces his notions of community and citizenship in civil and ecclesiological society respectively. Communities are divinely sanctioned, pre-political associations; they are comprised of citizens who, in a Ciceronian sense, are naturally free and equal fellows. A community of citizens, however, is not a mere aggregation of isolated individuals; it is a complex, incorporated society under natural law, whose full members represent the disfranchised. The community may lack nothing but the security afforded by the laws of a formal political hierarchy. When

impressed upon a community, such a hierarchy creates a proper commonwealth. Lawson may be seen as suggesting something like the later sociological distinction between *Gemeinschaft* and *Gesellschaft*, though not as distinct types of society, but as complementary aspects of all political societies.

From chapters four to seven Lawson discusses in detail the imposition of political order upon communities of fellowship. This order turns a community of believers into a formal visible church and a society of fellows into a state. The rationale for the imposition is, in the case of a church, to aid salvation, and, in the case of a state, to secure the public good. It is clear that, for Lawson, the creation of a polity from a community requires the consent of the citizens, although it is not consent but living according to justice which principally legitimizes the community itself. The immediate consequences of the transmutation are that the citizen takes on a double identity by becoming a political subject; that a notion of office-holding now augments that of representation; and that sovereignty must also be seen in a dual light.

Sovereignty is divided into two species which, following the nomenclature of property law and its political application by Christopher Besold, Lawson calls personal and real. Personal majesty, or sovereignty, is the office constituting the rights and duties of the government and its officers to rule, administer and protect. It involves the distinguishable functions of legislation, execution and judgement; it is, however, not divisible into separate, balanced or shared powers. Although personal majesty is as such divinely ordained, its specific forms are mutable. Thus Lawson discusses the ways in which it is gained and lost, concentrating on the all too frequent phenomena of conquest and usurpation. By contrast, real majesty is largely immovable; it is the underlying authority of the community. It comprises the right to constitute and authorise any particular form of Government and, arguably, to replace or reform it if necessary. The exercise of the rights of real majesty is often unproblematic; but acute ethical problems do arise where personal majesty is illegitimately transformed through tyranny or usurpation. At such times, Lawson insists, it is particularly important to understand the competing claims of subjection, entailing political obedience, and of citizenship, which is characterized by freedom from human authority.

Chapters eight and nine specify the manifestations of personal

majesty in state and church. Lawson shows relatively little interest in the pure forms of monarchy, aristocracy and democracy, regarding them less as types than as administrative tendencies. These two chapters largely prepare the ground for a discussion of the Power of the Keys. This expression refers figuratively to the human power to facilitate salvation. It is taken broadly to stand for the ultimate authority within a visible church, and is seen by Lawson as directly analogous to real majesty in the commonwealth.

From chapters ten to fourteen Lawson discusses a range of arguments concerning the proper location of the Keys. He deals in turn with the claims of the papacy and monarchical Erastianism, episcopacy and Presbyterianism, and with Congregationalism. Each is considered in terms of the conventional Aristotelian categories used for secular institutional forms – monarchy, aristocracy and democracy. Throughout this group of chapters Lawson insists that this power is properly located in no specific form. Rather, he concludes, it is found in the whole community of believers, or, with qualifications, their representatives, constituting a church. Although, for example, episcopal and Presbyterian churches are seen as permissible forms of aristocratic government, Lawson argues that they are not divinely sanctioned but are only contingent modes of personal majesty.

With this conclusion it becomes necessary for Lawson to say more about the nature and limits of a particular church. A national church, he concludes in chapter fourteen, is both permissible and desirable as a mean between the illegitimate extreme of papacy and the untenable one of Congregationalism.

In chapters fifteen and sixteen Lawson returns to the matter of subjection in church and state, dealing again with the tensions between the requirements of subjection to a political form and the rights of the community. He explicates a hierarchy of loyalty, placing loyalty to a prior community above allegiance to the person of a ruler. Between these extremes lie obligations to the laws and to the forms of government which have been impressed upon the community. The work ends with a specification of the orders of subjection within the commonwealth and their value in promoting the common good.

Throughout, both to clarify abstract concepts and to show his understanding of Britain's condition, Lawson illustrates with extensive reference to recent history. Thus in chapter four he uses the notions of real and personal majesty to discuss the English Constitution

and assess the claim that it is a 'mixed monarchy'. The institutions of monarchy and parliament, he concludes, are but components in an incorporated personal majesty. In dealing with the loss and acquisition of power, in chapter five, he canvasses the issues of conquest, usurpation and forfeiture of power, all of particular relevance to Interregnum Britain. In chapters eight and fifteen he explicitly discusses the Civil War and Interregnum in order to show how his theories and distinctions can make sense of what has seemed so confused. In chapters ten, eleven, twelve and fourteen he explicitly ties his arguments to the problems surrounding the English Reformation and the form that a Church of England should take.

Strictly speaking, Lawson's work is unfinished, for there was to be a second volume dealing with the details of administration which was already written when the *Politica* was published. What we have in book one, then, is a general conspectus dealing, *inter alia*, with the concepts of representation and office-holding as functions of communal empowerment and political accountability; with the nature and limits of obligation to a polity and loyalty to community; with the acquisition and loss of political power and with its varieties of institutional form. Each of the work's principal categories: subject, citizen; church member, believer; real and personal majesty; church, state; officer, representative; are understood as rather abstract binary pairings. These are all of a distinctly ramist and nominalist nature, in that they are to be understood in mutually defining relationship. As meaning is thus apt to reside in formal contrasts, the misunderstanding of any one term is taken to have an immediate consequence for the use or meaning of its opposing term. Lawson recognizes that, in practice, several of his abstract categories will be applicable to an individual at any given time, so involving patterns of potentially conflicting injunctions. But this, in a sense, is the point; the principal distinctions are made in order to delineate the moral and prudential cruxes of political life, so that the individual may discourse rationally and face them squarely.

II

Lawson claims that his work was written for ordinary people; his persona is that of a minister tending a flock in need of guidance and reassurance. Appropriately, his idiom is at times casuistic, and to

carry conviction he variously displays the credentials proper to his office: modesty, integrity, even a repetitive and didactic informality. His renowned learning should also be seen partially in this light. The complex citation of texts, and the use of Latin, Greek and Hebrew, seem not merely to convey knowledge. Indeed, his specified audience could not have taken full advantage of such learning. Rather, much of the erudition seems to reinforce his authority. This would be doubly necessary if, as becomes manifest at times, his intended audience included the clergy. Regardless of the precise audience sought, then, Lawson's citations and allusions should be seen not as incidental to his argument but, as it were, a text function within it, providing the means of creating a public space in which to be heard. This was no easy task when Lawson had his first volume printed.

The publication dates of the *Politica*, 1660 and 1689, are of obvious significance, each marking the beginnings of a new regime and a new attempt at settlement. On each occasion a monarch waited off-stage and was conditionally invited to ascend the throne. On each occasion, much depended upon the movements and compliance of armed forces, which especially in 1659–60 had held massive if uncertain sway. Each juncture required that people think carefully about the nature of the polity, its generation and potential shape, and about the moral difficulties attendant upon extreme political action. There is an added significance in that together the two editions of the *Politica* frame the House of Stuart's final attempt at absolutism. It was a form of rule Lawson considered deeply un-English.

Yet, in 1680, a high point of fear about the restored monarch's absolutist drift towards France and Rome, the Nonconformist John Humfrey commended Lawson's *Politica* as having strewn the way for the return of Charles II and his bishops (*A Peaceable Resolution of Conscience*); and within a few years of this, he and others would use the same work to strew the way for William III or a republic after the speedy exit of James II. The *Politica* proved to be a protean text, and its importance in the seventeenth century stands in marked contrast with its later obscurity.

To an extent Lawson's own obscurity has been rather artificially maintained. Richard Baxter, for example, lavished praise on him in his autobiography, but this was edited out of later editions. Baxter claimed that, more than anyone, Lawson had shaped his own political thinking and, over a long friendship, shown him the value of rigorous

conceptualization. Too little is known of Lawson's life for an account of it to act as a firm context for the *Politica*, but biography can provide something, and I want briefly to turn to it as the first of a series of overlapping contexts which can be constructed to illuminate and explicate further aspects of the *Politica*.

III

Lawson was born into a yeoman family in Lancliffe, Yorkshire, probably during April 1598. He had a younger sister, who did not survive childhood, and his mother died in 1610. He attended Emmanuel College, one of the most zealously reforming in Cambridge, and claimed to have an MA from there. He was ordained in 1624, but comes to notice only after William Laud became Archbishop of Canterbury in 1633. Lawson, allegedly a supporter of Laud, certainly had the archbishop's help in his unsuccessful attempt to obtain a disputed position in the important church of St Chad's in Shrewsbury, 1637. By this time he seems to have been living in the village of More, twenty miles south of Shrewsbury. There Lawson would spend the rest of his life, for shortly after his failure at St Chad's, he was appointed to the rectory of More, the advowson of which belonged to Richard More of Linley. Thereafter, Lawson was involved in Church government in Shropshire and was probably tutor to the More family. Like the Mores he was prepared to work with the Presbyterian system of church government established by the Long Parliament; when Shropshire was divided into six classes (1648–9) he was judged a minister fit to serve. He was prepared, like the Mores, to work with that which followed the partial breakdown of English Presbyterianism during the Interregnum. Yet Lawson was not a Presbyterian, let alone an Independent, although he had friends who were both. With the Restoration and re-establishment of the episcopal Church of England, he kept his living, despite his suspicions of episcopacy and the rigours of the Act of Uniformity (1662). This cost many of his previous colleagues their livings and it hardly presaged the comprehensive religious settlement advocated in the *Politica*. He died in July 1678, still working in his parish, and was survived by his wife Anne (d. 1680) and their son Jeremiah (1635–1705). Lawson left a comfortable estate, which included fine linen and a hair shirt; and above all a substantial library, which was sold after the death of Anne.

All his writings suggest an intense piety, but only an indifferent commitment to the church forms through which he worked. Whether his institutional scepticism was typical, an accommodating attitude throughout this troubled period certainly was; and whatever his motivations for compliance, his *Politica* fits with a willingness to opt for less than perfection. As such, it may be said to give theoretical expression to a widespread clerical and gentry sentiment which explains what an exclusive emphasis on the divisions of the civil wars cannot, namely the marked continuity in ecclesiastical office-holding.

Lawson's long association with the More family may also cast light on the more secular aspects of the *Politica*. Lawson's patron, Richard More, was a man of noted Calvinistic piety, serving on Long Parliament committees and giving plate to its cause before his death in 1643. His son Samuel (d. 1662) succeeded Richard as head of the family. Having been a principal parliamentarian commander in Shropshire, Samuel More was excluded from Cromwell's last Parliament and retained his offices at the Restoration. Again, the pattern suggests a widespread capacity to compromise around 1660. From this scrappy evidence we do find, however, pretty well what we would expect in the *Politica*: a residually strong if critical commitment to Parliament, especially to the Commons (8.14, 22); and intimations of a willingness to accept a re-established monarchy. With respect both to church and state, the *Politica* adopts an irenic tone and emphasizes the need for accommodation, though never at any price. The ends of government in both orders of power thus function as criteria for circumscribing the terms of a settlement. Casuistry is discredited without curtailment (8.11, 19).

IV

The initial publication date also provides a clarifying context for the *Politica*, helping to explain its tone. Between 1659 and 1660 there was a burgeoning of politico-religious literature, reflecting and addressing a heightened instability following the death of Oliver Cromwell in 1658. In the nine years since the execution of Charles I, the country had remained unsettled; and in the months following Cromwell's death, changes of government achieved an almost Italianate frequency. In such circumstances, only hindsight makes the eventual restoration of Charles II look inevitable; only a remarkable propaganda

campaign has left the impression that it was universally popular. Few could have thought the regime was securely restored. Indeed, some believed that, after Cromwell's death, the long-awaited republic might be established; others, that the way forward lay with Richard, or with one of Cromwell's generals. Of those who supported Charles's restoration, some did so because he looked the least of available evils, or because there was hope of his improvement with a little impounding. None of this was lost on Charles or his advisers, not least the fact that as king he was initially the creature of his old enemy's armies. The Restoration was a true crisis – a well-perceived point of danger and opportunity.

One major response to this common perception was to put faith in some fixed, legitimate set of institutional arrangements. In part the *Politica* is a commentary on such beliefs. Lawson argues that traditions and what suits the country must be respected; yet, he insists that all political forms are variable structures. As they can be corrupted, so they can be adapted to circumstances. Such views about the contingency of governmental organization had intermittently been aired since John of Paris in the fourteenth century; more recently they had been associated with Presbyterian theories of government. The crucial point was the distinction between the necessity of some form of government and the contingent nature of all governmental structures. On this basis, Lawson is able to argue that what matters at present is not a perfect order, on which there is bound to be much dispute, but some order. In an imperfect world 'where we cannot do what we will, we must do what we can' (15.10). The relatively little time he spends discussing ideal forms of government reinforces this sceptical pragmatism. Even the Ancient Constitution, which he sees as encapsulating natural right and as standing for the abstract principle of constitutional law, he treats more as a general goal than a binding model.

With respect to the church, unlike Presbyterians, Congregationalists, Episcopalians or Catholics, Lawson is intent on showing that all churches are also political organizations and are thus like state structures, legitimately adaptable. This, partly, seems to be the point of using secularizing terminology in discussing their respective claims to the Power of the Keys. In arguing that none can claim a divinely sanctioned status, he maximizes the area of negotiability in reaching a religious settlement. Those who insist on their own church or state

institutional models as uniquely legitimate multiply their enemies and minimize the chances of a settlement by marrying intransigence to theoretical error. A settlement, then, depends on knowing where one can give way; this is to presuppose that one understands the few necessities of politics.

If the contexts of the Restoration crisis and the remnants of biography help explain the ameliorating tone of the *Politica*, they may account also for some of its specific equivocations and use of litotes; that is, Lawson's tactic of writing something even in the process of distancing himself from it. For example, he urges the reduction of the episcopacy to an ancient form in the idiom of James Ussher, yet he explicitly accepts, on apostolic evidence, that no precedents need be binding in an emergency. A parallel to this casuistic reason of church is found in his view that monarchy provides a suitable basis for a settlement, but might prove to be otherwise (8.22). Again, he quotes extensively from John Sadler, *The Rights of the Kingdom*, 1649, a work of Miltonic antimonarchical vigour, but refuses to endorse Sadler's judgements. Such an air of evasiveness may have arisen from genuine doubts; it certainly exhibits the appropriate rhetorical credentials of moderation and charity. And such a display may also have been part of a strategy to make others doubt more and judge less glibly. Censorious political judgement was certainly one of the barriers Lawson saw as inhibiting a lasting settlement (8.21).

Lawson's choice of vocabulary and his treatment of the dominant myths of the civil wars also seem designed to exercise a settling force in 1660. He is reluctant to apply the highly inflammatory terms 'resistance' and 'rebellion' to the Civil War, preferring instead the less charged 'failure' or 'dissolution' of government. Even Charles I, who is held to be largely responsible for the 'dissolution', is not paraded as the tyrant of parliamentarian myth. Indeed, in the context of discussing the issue of legitimate resistance to tyrannical governments, Lawson argues that there was neither resistance nor rebellion, as both terms are predicated on the prior existence of a governmental form, an order of subjection, which had broken down. This may now seem like a mere semantic quibble; but one needs to keep in mind the instability of the English language in the mid-seventeenth century. Hobbes had hardly been alone in recognizing a relationship between a stable political order and the precise signification of words. Along with tracts on language, dictionaries and even legislative proposals,