

剑桥政治思想史原著系列（影印本）

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

弥尔顿政治著作选

Milton

Political

Writings

Edited by

MARTIN DZELZAINIS

中国政法大学出版社

JOHN MILTON

弥尔顿政治著作选
Political Writings

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图书在版编目(CIP)数据

弥尔顿政治著作选/(英)弥尔顿(Milton, J.)著.

-北京:中国政法大学出版社,2003.5

剑桥政治思想史原著系列(影印本)

ISBN 7-5620-2372-7

I. 弥… II. 弥… III. 政治思想史-英国-近代-英文

IV. D095.614

中国版本图书馆 CIP 数据核字(2003)第 036174 号

* * * * *

书 名 《弥尔顿政治著作选》

出 版 人 李传敢

经 销 全国各地新华书店

出版发行 中国政法大学出版社

承 印 北京博诚印刷厂

开 本 880×1230 1/32

印 张 10.125

版 本 2003年5月第1版 2003年5月第1次印刷

书 号 ISBN 7-5620-2372-7/D·2332

印 数 0 001 - 2 000

定 价 22.00 元

社 址 北京市海淀区西土城路 25 号 邮政编码 100088

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剑桥政治思想史原著系列

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本丛书意在使学生能够获得为了了解政治思想史所需要的最为重要的原著。就了解政治思想史而言，当代人的学识已经大大拓展了我们对不可缺少的作者的认识范围，对于这种发展，本丛书将予以体现。本丛书还将纳入一些不那么知名的著作，尤其是那些为确立知识的脉络所需要、并有助于凸显重要著作的意义作品。当然，本丛书的主要目的还是基于最新的学术成果，就那些重要的原著本身提供新的译本。编者注重原作的完整性，作为本丛书的一个特点，我们在单独一卷书的范围内对每个原作予以补充，加上辅助性的背景材料。每一本书都有导言，内容涉及该著作或相关著作的历史地位和现实意义，以及历史年表、进一步阅读的提示，还有（在适当时）关于书中所提及的重要个人的简要生平梗概。

本丛书已出版著作的书目，请查阅书末。

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

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The series is intended to make available for students the most important texts required for an understanding of the history of political thought. The scholarship of the present generation has greatly expanded our sense of the range of authors indispensable for such an understanding, and the series will reflect those developments. It will also include a number of less well-known works, in particular those needed to establish the intellectual contexts that in turn help to make sense of the major texts. The principal aim, however, will be to produce new versions of the major texts themselves, based on the most up-to-date scholarship. The preference will always be for complete texts, and a special feature of the series will be to complement individual texts, within the compass of a single volume, with subsidiary contextual material. Each volume will contain an introduction on the historical identity and contemporary significance of the work or works concerned, as well as a chronology, notes on further reading and (where appropriate) brief biographical sketches of significant individuals mentioned in each text.

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Acknowledgements

The translation of Milton's *Defence of the People of England* was made specially for this edition by Dr Claire Gruzelier. I am grateful to her for confronting all the difficulties of Milton's often tortuous Latin. For their help in preparing the rest of the edition, I am grateful to Roy Booth, John Creaser, Nicholas von Maltzahn, Ella Newton, Nigel Saul and Quentin Skinner.

M.D.

Note on the texts

The copy text for *The Tenure of Kings and Magistrates* was Bodleian Library, Rawlinson 408 4°, which may have been a presentation copy (fourth issue of the second edition) from the author. Material peculiar to the second, revised edition is enclosed in square brackets in the text; material peculiar to the first edition (denoted A), and other significant variants, can be found in the footnotes. For the dating of the second edition, see J. T. Shawcross, 'Milton's *Tenure of Kings and Magistrates*: Date of Composition, Editions, and Issues', *Papers of the Bibliographical Society of America*, 60 (1966), 1-8.

A Defence of the People of England was translated from the Latin text edited by Clinton W. Keyes in Volume VII (1932) of *The Works of John Milton*, gen. ed. Frank A. Patterson, 20 vols. (New York: Columbia University Press, 1931-40). Also consulted was Robert W. Ayers, 'Corrections to the Columbia Text of Milton's *Pro Populo Anglicano Defensio*', in *Complete Prose Works of John Milton*, ed. Don M. Wolfe et al., 8 vols. (New Haven and London: Yale University Press: 1953-82), IV ii, 1146-8 (Appendix H). The *Defensio* was first published in quarto in 1651, followed by the emended 1651 folio, and the corrected and enlarged 1658 duodecimo edition. No attempt has been made to register all the variants collated by Robert W. Ayers in his 'Variants in the London Editions of Milton's *Defensio*', in *Complete Prose Works*, IV ii, 1129-39 (Appendix F). Where it was thought helpful, material peculiar to any of these editions has been enclosed in square brackets in the text and explained in the footnotes by references to 1651Q, 1651F, and 1658.

For further bibliographical information, see J. T. Shawcross, *Milton: A Bibliography for the Years 1624-1700, Medieval & Renaissance Texts and Studies*, 30 (Binghamton, New York, 1984).

Introduction

Charles I was executed on 30 January 1649. The events leading to this act, the act itself, and its consequences, dominate Milton's political writings. Within two weeks he had published a vindication of the proceedings against Charles, *The Tenure of Kings and Magistrates* (largely written while the trial was in progress), and was rewarded for his unsolicited efforts a month later by the newly constituted Council of State which appointed him as its Secretary for Foreign Tongues. Henceforth Milton was responsible not only for handling much of the Commonwealth's diplomatic correspondence but was also in effect its chief propagandist. The works he published between 1649 and 1651 – *Observations upon the Articles of Peace*, *Eikonoklastes*, and *Pro Populo Anglicano Defensio* – were all officially commissioned.

Towards the end of the decade the interregnum regime disintegrated in a succession of experiments and expedients. In 1660, with the return of Charles II imminent, Milton published two works in which he sought to stem the tide: *The Readie and Easie Way to Establish a Free Commonwealth* urged a revived commitment to republicanism, while *Brief Notes upon a Late Sermon* advocated more despairingly that, if there must be a king, it would be better to elect one rather than restore the Stuarts. Milton only narrowly escaped with his life at the Restoration and, until his death in 1674, devoted himself largely to poetry, publishing first *Paradise Lost* and then *Paradise Regained* and *Samson Agonistes*.

The foundations of these achievements were laid in a prolonged period of self-preparation. Milton was born in London in 1608, the son of a relatively well-to-do scrivener. In 1620 he entered St Paul's

School where the curriculum reflected the humanist values of its founder, John Colet. The education Milton received there led to some dissatisfaction with the scholastic emphasis of the syllabus at Christ's College, Cambridge, where he was a student from 1625 until 1632. For the next few years he studied privately, immersing himself especially in the Greek and Latin writers. This leisured existence culminated in 1638 in a fifteen-month tour of Europe during which he met Grotius and Galileo, and was enthusiastically received in several Florentine humanist academies. From the time he returned to England until summoned by the Council of State in 1649, he supported himself largely as a private tutor.

Milton's commitment to humanist values informs virtually everything he wrote, from the academic *Prologues* (a series of bold variations on the forms of classical oratory) which he composed while at Cambridge, to his *Areopagitica* (1644), cast in the form of a speech for the liberty of unlicensed printing. *The Tenure of Kings and Magistrates* is no exception. The text of the first edition conforms to the five-part structure of the classical oration laid down by Isocrates and Cicero: exordium (pp. 3-8), narration (pp. 8-16), confirmation (pp. 16-23), refutation (pp. 23-6) and peroration (pp. 26-36). However, there is also within this structure a more simple division into positive and negative elements. On the one hand, the narration and the confirmation form a positive core of arguments devoted to an exposition of the principles of popular sovereignty while, on the other, the exordium, refutation and peroration constitute a polemic directed mainly against the Presbyterians. This in turn corresponds to the two aims which Milton sets himself on the title-page: to prove that it is lawful 'for any, who have the Power' to depose and punish a tyrant, and secondly to show 'that they, who of late so much blame Depositing, are the Men that did it themselves'. To understand why Milton saw these as his main ideological tasks, and to see how they were related, we must turn to the political situation in the winter of 1648 to 1649.

The victorious Parliamentary coalition had largely been held together by the pressures of war. Once peace came, it disintegrated. Agreement on the shape a political settlement should take proved elusive and finally impossible. A majority in the two Houses, especially the Presbyterians, wanted to negotiate with Charles and to reinstate him on terms which seemed to some outside Parliament to sacrifice the aims for which the war had been fought. The Army, a far

more radical body, wanted instead to bring the king to justice and expressed its opposition to a treaty in a lengthy remonstrance. To break the ensuing stalemate, the Army staged a coup on 6 December 1648 – Pride’s Purge – which by excluding recalcitrant MPs left a body (the so-called Rump) more compliant with its wishes. This intervention – the more so when it became clear that Charles would be placed on trial – provoked the bitterest response not only from Royalists but also Presbyterians and even radical groups like the Levellers.

At this critical juncture, Milton threw his weight behind the Army. One way to vindicate its actions was by the simple ploy of discrediting its opponents. The Presbyterians, despite having initially urged the most vigorous prosecution of the war against Charles, had now retreated behind the third article of the Solemn League and Covenant (1643) which pledged them to protect the king’s authority and person, and this accordingly became the focus of his attack. Much of *The Tenure* is taken up with exposing this inconsistency.

Milton’s animus against the Presbyterians is best encapsulated by his repeated allusions to a speech in Shakespeare’s *Macbeth*:

And be these juggling fiends no more believ’d,
That palter with us in a double sense;
That keep the word of promise to our ears,
And break it to our hope.

(v. 9. 19–22)

The Presbyterians had likewise ‘juggl’d and palter’d with the world’, and had spoken ‘with a double contradictory sense’ (pp. 4, 6). So, like the ‘weird sisters’ with whom Macbeth expressed his disillusionment, they were no more to be believed. Nor could they hope to relieve themselves of the burden of guilt any more than Lady Macbeth had been able to in her sleep; they ‘were the men themselves that deposd the King, and cannot with all thir shifting and relapsing, wash off the guiltiness from thir own hands’ (p. 26).

But the main way in which Milton drives home this message is to announce on no fewer than three occasions that he will rely as far as possible on specifically Presbyterian and Scottish sources (pp. 8, 10, 23). The point of this is to remind the Presbyterians that the theory of resistance which they had espoused at the start of the Civil War owed much for its development to their own distinguished sixteenth-cen-

tury predecessors, John Knox and George Buchanan. Throughout *The Tenure* (most notably, and appropriately, in the refutation), Milton therefore draws on the works of Knox and Buchanan – two figures whose authority was such that they could not be disowned by, yet whose radicalism was now likely to embarrass, their seventeenth-century descendants.

What complicates this picture is that the Presbyterians, far from disowning their radical heritage, had successfully turned one of the fundamental tenets of the constitutional theory of resistance *against* the Army and its adherents. This was the distinction – orthodox in Lutheran and Calvinist tracts on resistance – between inferior magistrates and private persons: while resistance to tyrannical rule by inferior magistrates was lawful, it was never lawful for private persons to take any political initiative whatsoever. From the Presbyterian point of view, its immediate relevance was unmistakable. They argued that since the Army had been raised by Parliament, and was thus merely the agent of the inferior magistrate, it was lacking in any independent magisterial authority and ought therefore to be considered as no more than a collection of private persons. It followed from this that the Army's intervention in purging Parliament had been completely unlawful.

Milton could not ignore this line of argument if he was to succeed in exhibiting the Army's actions as legitimate. He therefore devotes the confirmation to challenging and reversing the key assumption on which the Presbyterians' case rested: that it was always unlawful for private persons to seize the political initiative from the inferior magistrate. Milton does not however mount a frontal attack on the constitutional theory but chooses instead to undermine it at a more vulnerable point.

Many of the sixteenth-century writers on resistance, while upholding the distinction between inferior magistrates and private persons, had nevertheless reluctantly treated the problem of tyrannicide in a way which did allow the individual citizen to act in certain circumstances. They usually opened their analysis with the traditional distinction between two kinds of tyrant: the tyrant by practice and the tyrant by usurpation (or tyrant without title). The former case involved them in no new departures; an otherwise legitimate ruler who degenerates into tyranny, they continue to maintain, can only be resisted by the inferior magistrate. But in the latter case a degree of

flexibility enters their discussions. An example would be a foreign invader who, since he lacked any title, could be resisted by the private citizen acting in defence of his native institutions. They invariably go on to insist however that such individual resistance must cease once the invader has acquired the legitimacy he previously lacked – a teaching they illustrate by reference to the moment during Rome's transition from republic to empire at which lawful resistance turned into conspiracy and sedition.

So far, leading exponents of the constitutional theory like Peter Martyr, Beza, and the author of *Vindiciae contra tyrannos* were in complete agreement. But the Bible contained numerous instances of individual resistance to the oppressors of Israel. Whereas this posed no problem for Beza, who saw these oppressors as tyrants without title, it did for the author of the *Vindiciae*, who categorized them as tyrants by practice. For this carried with it the extremely awkward implication that there now appeared to be scriptural precedents for the very conclusion these theorists had sought to avoid: that individuals could resist even tyrants by practice. His solution – which became the standard one – was to argue that while, for example, Moses, Ehud and Jehu appear to be private persons, the fact of their having received an extraordinary calling from God meant that they should be seen as possessing an authority surpassing even that of the ordinary magistrate.

Thus when Milton chooses the story of the slaying of King Eglon by Ehud (Judges 3. 12–26) it is precisely because of the pivotal place it occupied in the controversy over who may lawfully resist a tyrant. He begins by rehearsing the arguments conventionally used to offset its alarming potential: that Eglon 'was a forren Prince, anemie, and *Ehud* besides had special warrant from God' (p. 17). He then proceeds to dismantle them one by one.

Milton's first step is to refuse to concede that the distinction between the two types of tyrant is itself valid. He can see no material difference between a foreign usurper and a domestic tyrant: 'For look how much right the King of *Spaine* hath to govern us at all, so much right hath the King of *England* to govern us tyrannically' (p. 17). This becomes clearer still from the supra-national perspective afforded by the stoic notion of the brotherhood of man as repeatedly invoked by Cicero (e.g., *De officiis*, 1, 16–17). In Cicero's view, tyrants were merely savage monsters who had renounced these common bonds

and ought to be exterminated as the enemies of mankind (III, 6, 32). Milton then spells out his argument in these Ciceronian terms. It cannot be denied 'that there is a mutual bond of amity and brotherhood between man and man over all the World', and the only way in which men can be excluded – or, rather, exclude themselves – from these peaceful relations is by manifesting a hostile disposition. As Milton puts it epigrammatically, it is not 'distance of place that makes enmitie, but enmity that makes distaunce'. Thus any attempt 'to distinguish' between tyrants by the criteria of 'outlandish, or domestic' must be 'a weak evasion' (p. 18). A tyrant was simply someone who had segregated himself from human society and was in consequence to be treated as a 'savage Beast', a 'common enemie' and 'pest', and the 'destroyer of mankinde' (pp. 13, 17).

The result of adopting this stoic doctrine was to subvert the conventional analysis of the problem of tyrannicide. Conflating the two types of tyrant under one description meant it was no longer possible to specify circumstances in which resistance was to be undertaken exclusively by the inferior magistrate. A tyrant by practice was no less liable than a foreign usurper to be punished by a private individual.

Milton next turns to consider the remaining objections. By the logic of his own argument, he must concede that Eglon was an 'emie', since 'what Tyrant is not?' But this was not because he had no right to govern. The Israelites had undoubtedly 'acknowledg'd' him as 'thir Sovran' and made themselves 'his proper Subjects' by taking 'Oaths of Fealty and Allegiance' (p. 18). This was in effect to classify Eglon as a tyrant by practice and, as we have seen, it was usual at this point to argue that Ehud must have had, in Milton's words, a 'special warrant' from God to slay him. Milton however blocks off this avenue of escape, using two quite distinct arguments.

He points out first that, while Ehud was undeniably 'a man whom God had raysd to deliver Israel', it was nowhere specifically 'express'd' that he had received any positive command from God. Ehud had acted solely 'on just principles, such as were then and ever held allowable' (pp. 17, 19).

His second and more important argument is that it would make no difference even if we did have incontrovertible evidence of God's direct intervention. Although Jehu had received a 'special command to slay *Jehoram*', this did not make his action any the 'less imitable'. The explanation Milton gives is that where an action like Jehu's is

'grounded so much on natural reason' all that the 'addition of a command from God' can do is to 'establish the lawfulness of such an act' (p. 19). That is, a divine command establishes that a given action is lawful but is not itself what constitutes the grounds of its lawfulness; for that we must look to natural reason. To say that Ehud and Jehu were not private persons because they had been directed by God in what they did was to miss the point that the rightness of such actions was capable of being intuited in the ordinary way by any rational individual.

All this amounted to a decisive break with the Protestant tradition of voluntarism which held that whatsoever God commands is just simply because it is the will of God. For Milton the lawfulness of an action followed not from the expressed will of God, but from the fact that it was an intrinsically just and reasonable thing to do. What this implied was the possibility of forming correct ethical and moral judgements quite independently of any knowledge of revelation or scripture. So when at the start of the confirmation Milton poses the vital question of 'what the people lawfully may doe' against a tyrant, his answer is simply to say that 'no man of cleare judgement need goe further to be guided then by the very principles of nature in him' (p. 17).

It also left the constitutional theory of resistance (and hence the Presbyterians' case) in disarray, clearing the way for Milton to secure his ideological objectives. He could now affirm the lawfulness of individual political action and so furnish a defence of the Army's conduct. Or, as he puts it on the title-page, since Parliament, the 'ordinary MAGISTRATE', had 'neglected, or deny'd' to bring the king to justice it was 'Lawfull' for 'any, who have the Power' to do so.

The individualistic, even anarchic, nature of this claim should not be underestimated – nor should its secularism. While Milton's sympathy with the 'saints' is evident, as is his tendency to invoke God's judgements in an authentically providentialist fashion, he is also at pains to distance himself and the Army from the allegations of religious enthusiasm and zealotry levelled by the Presbyterians. His scepticism about divine commands, his dissent from voluntarism, and his emphasis on reason all stem from the need to fashion a less vulnerable, because more secular, kind of argument.

The same outlook informs Milton's account of the formation of political society, and especially his discussion of the sword of justice.

For if his claim that individuals and not only magistrates could punish offenders was to carry any weight, then he had to address the question of the origins of this power. It is true that Milton closes the exordium on an uncontroversial note by saying that 'all humane power to execute' the 'wrath of God' is 'of God' (p. 8). He does not, however, seek to ground this upon divine positive law by citing any of the standard scriptural texts on the power of life and death. Instead he goes on in the narration to provide a wholly secular account of the sword of justice.

Although men 'naturally were borne free', they eventually formed 'Citties, Townes and Common-wealths' to escape the 'violence' and 'wrong' which stemmed from the Fall when they 'agreed by common league to bind each other from mutual injury, and joyntly to defend themselves against any that gave disturbance or opposition to such agreement'. The result of this agreement was however still pre-political in that it was a purely voluntary association which, while capable of defending itself from external threats, lacked any power to discipline internal deviants. Precisely 'because no faith in all was found sufficiently binding' it became 'needfull to ordaine som authoritie, that might restrain by force and punishment what was violated against peace and common right'. They accordingly took the further step which alone could create a genuinely political society: for their own 'ease' and 'order' they 'communicated' the 'autoritie and power of self-defence and preservation' which was 'originally and naturally in every one of them' either to one person or many (kings and magistrates respectively). But the status which these rulers enjoyed as the result of this transaction could be no greater than that of 'Deputies and Commissioners' who had merely been 'intrusted' with the execution of 'that justice which else every man by the bond of nature and of Cov'nant must have executed for himself, and for one another' (pp. 8-9).

Milton here committed himself to the view – without precedent in any vernacular work of political theory – that, in a state of nature, each and every individual can punish offenders against the law of nature, and that, in executing justice, the civil magistrate was exercising no new right but one which had initially been possessed by all pre-political individuals. He thus joined Grotius in flouting the orthodox view that the sword of justice belonged exclusively to the sovereign body; only came into being with it; and then only as a direct grant

from God. And he went beyond what Grotius had been willing to countenance in adding that this right had not been alienated but merely entrusted to the magistrate by the people, 'with liberty . . . and right remaining in them to reassume it to themselves' (p. 16).

In short, Milton was proposing not a theory of resistance as much as a theory of revolution (analogous to the way in which a power to punish, which can be exercised on behalf of 'another', is distinct from, and less limited than, a 'power of self-defence'). The full scope of this becomes clear if we consider two further points which Milton is anxious to underline.

The first to note is that when discussing the right of deposing the king, or of altering the government in any way, Milton refers almost invariably to the 'people' rather than to parliament. To understand why, we need only look again at his outline of the procedure when the sword of justice was committed to those who were thereby constituted rulers. The sole parties to this transaction were the people, who chose, and those who were chosen, kings or magistrates. Like Buchanan, Milton makes no mention of any preliminary choice of representatives who then elect rulers on the people's behalf. Indeed, he specifically insists that all the other institutions of government – laws, oaths, and parliaments – were developed subsequently to ensure that the conditions of the original choice were observed. The bodies traditionally identified with the inferior magistrate in accounts of the ancient constitution had thus only emerged at a relatively late stage, and could not have constituted a source of political authority to the exclusion of the people. And it followed in turn that the right of deposing and punishing their kings must rest with the people themselves.

The second is that Milton's preferred way of expressing the relationship between people and ruler is to call it a 'trust'. While he does refer to a 'bond or Covenant' and (citing Buchanan) even allows that 'regal power' is 'nothing else but a mutual Covenant or stipulation between King and people' (pp. 9, 25), the word 'contract' itself never appears. Nor is the structure of his argument at all contractarian. The key difference between a trust and a contract is that a ruler who is entrusted with authority by the people unilaterally incurs an obligation to use it 'for their good in the first place, and not his own' (p. 13), whereas a ruler who enters into a contractual relation with the people derives rights as well as obligations from the contract. What this