The Politics of Natural Law

from Milton to Swift

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The Republic of Nature and the Nature of the Republic

In a recent study illuminating the contexts of Milton's thought and works, Lynne Greenberg claims that scholarship is 'long overdue for a definitive treatment of Milton's indebtedness to natural rights theories'.[1] Certainly, while Milton's political philosophy has long been the subject of scrutiny and debate, scholars have had relatively little to say about the doctrine of natural law and rights that arguably supplies not only the ethical origins of Milton's arguments for civil sovereignty, but which also conditions a variety of their practical implications.[2]

This reticence is not surprising given Milton's well-established characterisation as an advocate of English republicanism. For, since the 1970s, various historians of political thought have sought to present an account of the revival of classical republicanism during the early modern era, which placed it at odds with narratives of 'the progressive emergence and triumph of a natural-law … rights-based liberalism'.[3] Instead, these scholars drew attention to the influential retrieval of the ancient theory of republicanism during the Italian Renaissance, and its transmutation into an

[1] Lynne Greenberg, 'Law' in *Milton in Context*, ed. Stephen B. Dobranski (Cambridge: Cambridge University Press, 2010), pp. 328-337 (p. 336).
[2] The exception is Elizabeth Sauer, 'Natural Law: Milton's Post-Revolutionary *Defences* of England' in *Milton, Toleration and Nationhood* (Cambridge: Cambridge University Press, 2013). However, Sauer's actual interrogation of the concept of natural law and its history is scant.
[3] Cécile Laborde, 'Republicanism' in *The Oxford Handbook of Political Ideologies*, eds. Michael Freeden, Lyman Tower Sargent, and Marc Stears (Oxford: Oxford University Press, 2013), pp. 513-535 (p. 514).

Atlantic tradition that provided the ideological stimulus behind the works of James Harrington and the 'Commonwealthmen', before acting as an inspirational force during the American Revolution. This movement was said to be (as J. G. A. Pocock coined it) a 'Machiavellian moment', which, following the Florentine statesman's observations in his *Discourses on the first Decade of Titus Livius* (1531), promoted Machiavelli's conception of civic activity and participation, and the importance he assigned to civic *virtu*: the citizens' willingness to do whatever may be necessary for the attainment of the freedom and glory of the *respublica*, whether the actions involved happen to be intrinsically good or evil in character. As Quentin Skinner puts it, 'this was the account of ancient liberty Machiavelli found in Livy and bequeathed to the modern world'.[4]

However, in the liberal accounts of the development of political theory that Pocock and Skinner sought to critique, the seventeenth century was not distinguished by a renaissance of classical political thinking, but instead as the birthplace of a pioneering and modern theory of natural law and rights, initiated by the Dutch jurist Hugo Grotius.[5] As Richard Tuck asserts, rather than championing patriotic self-sacrifice, Grotius' theory marked the advent of a new and 'comprehensive post-sceptical moral science',[6] in which 'the desire for self-preservation' was interpreted 'in *moral* terms as the one and only *universal right*' from which all natural laws stemmed.[7] From this standpoint, states represented merely the artificial accumulation of every man's entitlement, and Grotius is commonly perceived to have pioneered the 'idea that civil society is a construct by individuals wielding rights or bundles of property, and that governments possess no

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[4] Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge, 1998), p. 46. See also: 'The Idea of Negative Liberty' in *Philosophy in History*, eds. Richard Rorty, J. B. Schneewind and Quentin Skinner (Cambridge: Cambridge University Press, 1984), p. 203.

[5] See James Tully, *A Discourse on Property* (Cambridge: Cambridge University Press, 1980), pp. 68-72, 80-85, 90, 114, 168; Richard Tuck, *Natural Rights Theories* (Cambridge: Cambridge University Press, 1979), pp. 58-81, *Philosophy and Government, 1572-1651* (Cambridge: Cambridge University Press, 1993), pp. 137-76, *The Rights of War and Peace* (Oxford: Oxford University Press, 1999), pp. 78-108.

[6] Tuck, *Philosophy and Government*, p. 154.

[7] Tuck, 'Grotius and Selden' in *The Cambridge History of Political Thought 1450–1700*, ed. J. H. Burns (Cambridge: Cambridge University Press, 1991), pp. 499-529 (p. 506).

rights that those individuals did not possess'.[8] Moreover, the purpose of such governments was not glory, but social stability and protection, built upon a 'respect for another's rights'.[9] Accordingly, Grotius has been dubbed the 'Modern Father' of political thought, offering a radically individualistic interpretation of moral reasoning that was grounded in a contractual account of sovereignty, and which favoured communal peace over military greatness; quite the opposite, in other words, of Machiavelli's republican doctrine.[10]

Ultimately then, as Stephen Holmes observes, 'the history of modern political theory has recently been reconstructed as a running battle between two supposedly rival traditions: liberalism vs. republicanism', the former modern and the latter ancient.[11] Yet, historians have been increasingly concerned to recognise that, during the seventeenth century at least, to separate and define the discourses of civic republicanism and juristic liberalism is a feat that is neither possible nor plausible. As Jonathan Scott has written, 'it is clear that what appeared to Pocock and others to be the distinct political languages of classical republicanism and natural law theory were more often combined by early modern republicans than separated'.[12]

Such is certainly the case with Milton, for whom republican liberty is a state (of both government and being) that cannot exist without a moral foundation. Yet, Milton is only the inheritor of a tradition of thinking attached to the formation and ideology of republican governments, which, even from its roots in Rome, can be perceived not as a hostile interlocutor

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[8] Tuck, 'The 'modern' theory of natural law' in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge: Cambridge University Press, 1987), pp. 99–119, (p. 103).
[9] Tuck, *Natural Rights Theories*, p. 81.
[10] Brian Tierney, *The Idea of Natural Rights* (Atlanta: Scholars Press, 1997), p. 340. Although, Tierney is keen to stress Grotius' medieval precursors.
[11] Stephen Holmes, *Passions and Constraint* (Chicago: University of Chicago Press, 1995), p. 28.
[12] Jonathan Scott, *Commonwealth Principles* (Cambridge: Cambridge University Press, 2004), p. 25. Scott quotes Haakonssen: 'It is impossible to see the division between a juristic-liberal and a republican tradition as fundamental to post-Renaissance political thought … Natural law … was readily adapted by republicans', 'Republicanism' in *A Companion to Contemporary Political Philosophy*, ed. Robert Goodin and Philip Pettit (Oxford: Oxford University Press, 1993), pp. 570-1. For various other arguments against this traditional opposition see Michael P. Zuckert, *Natural Rights and The New Republicanism* (Princeton: Princeton University Press, 1994) and *The Natural Rights Republic* (Notre Dame, Indiana: Notre Dame University Press, 1996), and Vickie B. Sullivan, *Machiavelli, Hobbes, and the formation of a liberal republicanism in England* (Cambridge: Cambridge University Press, 2004).

with the theory of natural law and rights, but instead as crucially informed by its understanding of the roles of both state and citizen. In order to appreciate the nature and context of Milton's political philosophy, this chapter will seek to delineate the trajectory of this alternative classical legacy, which renders any absolute or simplified dichotomy between the so-called liberal and republican traditions, the ancient and the modern, historically untenable.

Cicero: 'O Tempora, O Mores!'

Following his exile in the early fifties BCE, Cicero's return to Italy did not mark the triumphant return to political power he had imagined. For while initially Cicero recounted his 'spectacular' homecoming, 'thronged by the common people, who welcomed [him] with vociferous applause' (*Att.*4.1.5), the reality of the constraints placed upon his influence by Caesar and Pompey, and the factionalism escalating within Rome, soon led to his disaffection.[13] Writing to Lentulus Spinther in 55, Cicero lamented his frustration at the loss of both his ambition and his liberty:

> what I had promised myself after … passing through the most severe ordeals - a lofty platform in the Senate, a position of independence in public life - there is an end to all that, not for me in particular, but for all and sundry. The choice lies between undignified support for a clique and fruitless opposition.[14]

Plagued as it was by recurrent civil wars, the exalted republic was (for Cicero) but a memory: 'It's a long time since we lost the commonwealth' (*Att.*4.18.2). However, as Neal Wood has remarked, '[t]he extraordinary intellectual ferment and literary creativity of the last years of the Republic were possibly a direct response to these chaotic conditions'.[15] It was this national and individual crisis

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[13] Cicero, *Letters to Atticus*, ed. and trans. D. R. Shackleton Bailey, 3 vols (Cambridge, MA: Harvard University Press, 1999).
[14] Cicero, *Letters to Friends*, ed. and trans. D. R. Shackleton Bailey, 3 vols (Cambridge, MA: Harvard University Press, 2001), I.8.4.
[15] Neal Wood, *Cicero's Social and Political Thought* (Berkeley: Harvard University Press, 1988), p. 42.

that provoked Cicero to write his most enduring treatises of political philosophy: *De Re Publica* and *De Legibus*, both of which address the intensifying social tensions within the Roman government.

Staged in the form of a Platonic dialogue between a cast of historical figures, the setting of *De Re Publica* is crucial. The discussion is imagined to take place in 129, amidst the conflict over land reform. Scipio (the principal protagonist of *De Re Publica*) was leading efforts to repeal agrarian legislation, passed by the tribune of the people, Tiberius Gracchus, in 133, which provided for the confiscation and redistribution of land from wealthy to poorer Roman citizens. The violence and unrest which accompanied the passing of that law led Cicero and many of his contemporaries to consider the period as the origin of a societal upheaval which continued to impact the Republic. In the words of Velleius,

> This was the beginning of civil bloodshed and of the free reign of swords in the city of Rome. From then on justice was overthrown by force and the strongest was preeminent.[16]

At the opening of book five, Cicero himself breaks out of his fictionalised narrative to voice an elegy for the lost supremacy of the Republic and evoke the cause of its degeneration. Quoting Ennius - 'The Roman state stands upon the morals and men of old' - Cicero extrapolates,

> [B]efore our time, ancestral morality provided outstanding men, and great men preserved the morality of old and the institutes of our ancestors. … What remains of the morals of antiquity, upon which Ennius said that the Roman state stood? We see that they are so outworn in oblivion that they are not only not cherished but unknown.[17]

Cicero's nostalgic diatribe makes it clear that, in his view, what defined the glory of the Roman republic was not the extent of its dominion or wealth, but rather the moral principles upon which it was founded; ethics were a fundamental part of its posterity. Seeking to redress Rome's decline

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[16] Velleius Paterculus, *Compendium of Roman History*, trans. Frederick W. Shipley (Cambridge, MA: Harvard University Press, 1979), 2.3.3-4.
[17] Cicero, *On the Commonwealth and On the Laws*, ed. James E. G. Zetzel (Cambridge: Cambridge University Press, 1999).

in this regard, Cicero employs the dialectic mode of conversation to offer an explanation of the philosophical underpinnings of the state and their significance: first in *De Re Publica*, 'a framework for establishing and maintaining an ideal government (which [Cicero] identifies with Rome)', and second in *De Legibus*, 'the particular legal code and customs that would correspond to that government'.[18] The latter of these was especially vital, because, for free-born Romans, 'the limits imposed by law were the essence of freedom'.[19] When defending Cluentius in 66, Cicero stated that the 'law is the bond that secures … our privileges in the commonwealth', invoking it as 'the foundation of our liberty, [and] the fountain-head of justice'. The law, says Cicero, binds all citizens together being 'the mind and heart, the judgement and the conviction of the state', and everyone must 'obey the law to the end that we may be free'.[20]

Yet, Cicero's assertion is not that one must submit to the decrees of the most powerful authority in order to subdue civil strife:

> The most stupid thing of all … is to consider all things just which have been ratified by people's institutions or laws. What about the laws of tyrants? If the famous thirty tyrants at Athens had wanted to impose laws, or if all the Athenians were pleased with tyrannical laws, is that a reason for calling those laws just? (*Leg.*I.42)

The use of erotema makes Cicero's point: laws could be distorted by custom. As the sceptical Carneades viewed it, men might well 'ordain laws for themselves in accordance with utility, that is to say they vary in accordance with customs and have frequently been altered by the same people in accordance with the times'. However, counters Cicero's Scipio, it does not follow that there is 'no such thing' as innate justice, because (in its ideal form) the source of all law is nature itself. Scipio proceeds to voice his famous Stoic definition:

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[18] Zetzel, 'Introduction', p. xiv.
[19] P. A. Brunt, '*Libertas* in the Republic' in *The Fall of the Republic* (Oxford: Clarendon Press, 1988), pp. 281-350 (p. 317).
[20] Cicero, *Pro Cluentio*, trans. H. Grose Hodge (London: Heinemann, 1979), p. 147.

> True law is right reason, consonant with nature, spread through all people. It is constant and eternal; it summons to duty by its orders, it deters from crime by its prohibitions … It is wrong to pass laws obviating this law; it is not permitted to abrogate any of it; it cannot be totally repealed. We cannot be released from this law by the senate or the people, and it needs no exegete or interpreter … all nations at all times will be bound by this one eternal and unchangeable law, and the god will be the one common master and general (so to speak) of all people. He is the author, expounder, and mover of this law. (*Pub.*III.33)

Natural law then is an unconditional edict that pertains to all humanity and which exists outside any manmade construction of justice. As such, a person who followed only the laws of nature could easily be placed in a position of infringing the positive laws or customs of a corrupted state. As Scipio states, the Romans place the essence of *lex* (law) - derived from *legere* (to choose) - 'in choice', a freedom and power derived 'from nature' through which 'the mind and reason of the prudent man … distinguishes justice and injustice' (*Leg.*I.19). It is the idea that natural law could be (to use Brian Tierney's recent characterisation) 'permissive as well as prescriptive', a doctrine of 'human freedom and jurisprudence of obligation'.[21] For the source of law is reason, and reason enables men to discern the just course of action and pursue their self-interest without doing harm to others. As we shall see, this paradoxical notion of natural law as both an empowering and forbidding force formed a key component of its revival by Cicero's seventeenth-century adherents.

Furthermore, Jill Harries has insisted that, 'Cicero's ideas upon … the foundation of a successful community should be taken in conjunction with his theory of natural law, if the implications of the latter are to be fairly assessed'.[22] Certainly, Scipio's depiction of the ideal political community can be seen to derive precisely from the principle of natural choice. For, while '[t] monarchic form of state itself … is not to be criticized' so long as it preserves the 'safety and equality and peace' of its citizens (*Pub.*II.43), Scipio testifies that 'in no other state than in which

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[21] Brian Tierney, *Liberty and Law* (Washington, D.C.: Catholic University of America Press, 2014), p. viii. Although Tierney sees the notion of permissiveness (along with natural rights) to begin as a medieval tradition, I would argue the same concept is visible in Cicero's writings on natural law.

[22] Jill Harries, 'The Law in Cicero's Writings' in *The Cambridge Companion to Cicero*, ed. Catherine Steel (Cambridge: Cambridge University Press, 2013), pp. 107-121 (p. 121).

the people has the highest power does liberty have any home' (*Pub.*I.47). As such, 'a free people chooses the men to whom to entrust itself (and it will choose the best people if it wants to be safe)' (*Pub.*I.51). In fact, what Scipio seems to present as the best form of government is, in effect, a contractual model of society based on consensus. A 'commonwealth', claims Scipio, 'is the property of a people', not 'a collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good' (*Pub.*I.39). It is a joint enterprise between a group of individual citizens over which they collectively hold ownership. Of course, in regard to how Cicero chose to define "the people", he can hardly be charged with displaying a populist attitude. Voting in a ballot, Cicero declared, should be 'free to the plebs' but 'open to the optimates', a system which countenanced 'the appearance of liberty while keeping the authority of the respectable' (*Leg.*III.38) - again this (seemingly contradictory) selectivism is a tension which can be observed throughout Cicero's legacy.

Yet, this elitism did not (in Cicero's view) encroach upon the prerogatives of the Republic's citizens. For, within this association of society, although 'equality of property is not appealing' and 'the mental abilities of all cannot be equal', every Roman still possessed the entitlement to exert their choice, for 'the rights of all who are citizens of the same commonwealth ought to be equal' (*Pub.*I.49). Contrary to the view that '[t]here is no expression in any ancient or medieval language correctly translated by our expression 'a right'',[23] in Cicero's account of the Republic, as Jed Atkins has recently noted, to be a free Roman citizen does in fact comprise of 'the exercise of certain fundamental powers and rights'.[24] Moreover, such an assertion can be noted across Cicero's writings, in which he consistently denounces any encroachment upon every citizen's 'inalienable'

[23] Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1981), pp. 66-67.
[24] Jed W. Atkins, *Cicero on Politics and the Limits of Reason* (Cambridge: Cambridge University Press, 2013), p. 175. Peter Garnsey has also noted that 'the Romans did possess the concept of property rights and individual rights in general', *Thinking about Property* (Cambridge: Cambridge University Press, 2007), p. 194; see also pp. 184-203, 211-12.

freedom: 'populi Romani est propria libertas' ('the birthright of the Roman people is freedom').[25] In a speech delivered in the senate against the over-weaning influence of the tribune P. Servilius Rullus for instance, he warns the people: 'all your rights, all your powers, and all your liberty are swept away'.[26] Given the intrinsic relationship here between *ius* (right), *potestas* (power) and *libertas* (liberty), it would appear that Cicero does incorporate a conception of right into his theory of political society, and one which again seems remarkably close to our own allegedly modern notion of one's individual autonomy. Above all, Cicero's contractual definition of a commonwealth, grounded in both the people's individual liberties and rights and their mutual respect for justice, serves one vital function: 'namely to operate as a *criterion of legitimacy*', a '*distinctly Roman and Ciceronian input*' to the political theory of the Republic.[27] It sets out the original and essential tenets of justice without which no government could be considered lawful. As for those tyrants who sought to undermine these commonwealth principles, in the words of Scipio, 'in the viciousness of his character he outdoes the most destructive beasts'. For 'who could rightly call "human" someone who desires no bond of shared law, no link of human nature with his citizens or indeed with the whole human race?' (*Pub.*II.47). To shun the laws of nature was not only inhumane but inhuman, and, as a result, the perpetrator should be treated accordingly.

The final phase of Cicero's career was forged as an effort to assert that should the state fail to protect its citizens' rights or violate natural law, if no other means of redress are available, morally good individuals are obliged to resort to force to defend their lives, possessions and virtue itself. Although he was not involved in the plot to assassinate Caesar in 44 BCE, Cicero was sympathetic - 'How I wish you had invited me to that splendid feast on the Ides of March!' - considering it an 'immortal service … to the commonwealth' (*Let.*10.28). In the eyes of Cicero, Caesar's autocracy

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[25] Cicero, *Philippics*, ed. and trans. D. R. Shackleton Bailey, rev. ed. (Cambridge, MA: Harvard University Press, 2009), VI.19.
[26] Cicero, *De lege agraria*, ed. John Henry Freese (London: Heinemann, 1930), II.12.29.
[27] Malcolm Schofield, 'Cicero's Definition of *Res Publica*' in *Cicero the Philosopher*, ed. J. G. F. Powell (Oxford: Clarendon Press, 1995), pp. 63-83 (p. 64).

was a defilement of justice and a breach of the people's trust, despite the apparent peace it brought; for when 'men separate benefit from honourableness they subvert the foundations of nature' (*Off.*III.101) and keep 'neither sacred fellowship nor faith' (*Off.*I.26).[28] As Cicero was at pains to proclaim in *De Officiis*, 'men are led most of all to being overwhelmed by forgetfulness of justice when they slip into desiring positions of command … or glory', the 'rash behaviour of Gaius Caesar has recently made that clear' (*Off.*I.26). If anyone

> says that such a greed is honourable, he is out of his mind: for he is approving the death of laws and liberty, and counting their oppression – a foul and hateful thing – as something glorious. (*Off.*III.83)

Quite unlike Machiavelli's *Discorsi*, as A. A. Long has written, *De Officiis* was 'an attempt to set Roman values, especially glory and wealth, within an ethical framework which will show that they are proper objectives if and only if they are combined with justice'.[29]

However, Caesar's death was but the beginning. Out of the victory of the tyrannicide arose Antonius' attempt to seize power, against which Cicero began a protracted campaign to restate the authority of the senate. In his *Philippics*, Cicero reminds Antonius of the moral courage of the people:

> Do you not reflect on this and understand that for brave men it is enough to have learned what a beautiful thing it is to slay a tyrant, what gratitude such a benefaction inspires, what fame and glory it brings? Will men put up with you, when they did not put up with Caesar?[30]

Unfortunately, Cicero's decision to promote Caesar's great-nephew Octavius as another viable candidate for rulership transpired to be a mistake; for once Octavius had established his position,

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[28] Cicero, *On Duties*, ed. and trans. M. T. Griffin and E. M. Atkins (Cambridge: Cambridge University Press, 1991).
[29] A. A. Long, 'Cicero's Politics in *De Officiis*' in *Justice and Generosity*, ed. André Laks and Malcolm Schofield (Cambridge: Cambridge University Press, 1995), pp. 213-40 (p. 214).
[30] Cicero, *Philippics*, ed. and trans. D. R. Shackleton Bailey, rev. ed. (Cambridge, MA: Harvard University Press, 2009), II.117.

he joined forces with Antonius and Lepidus to take control of the state and destroy their opposition. Cicero was hunted down and killed in December, his head and hands displayed on the rostra in Rome. Cicero's Republic may have only ever been a philosophical notion. However, despite its elusiveness, Cicero's philosophy of a state built upon nature proved to be a prototype that would be revived and adapted in campaigns for civic sovereignty across early modern Europe.

Grotius: The Miracle of Holland

As his legendary motto indicates - *non sufficit orbis* (the world is not enough) - Philip II was a sovereign with an aggressively 'imperial vision'.[31] To the Dutch over whom he ruled, this ambition was construed as nothing less than a tyrannical usurpation of their natural right to freedom. Though, with an assuaging tone, William of Orange informed the States of Holland in 1572 that he had

> no other purpose than to restore, under the lawful and worthy reign of the king of Spain ... the power, authority and reputation of the States to their former condition in accordance with the privileges and rights which the king had sworn to maintain.[32]

Yet, under the combined pressures of war and diplomacy, the revolt was already moving beyond these moderate objectives. By 1579 it had split the Netherlands into two, divided between the twelve 'obedient' or 'subdued' provinces of the Union of Arras in the south and the seven defiant ones of the Union of Utrecht in the north. Two years later, William of Orange claimed Philip II's aim had always been to deprive the provinces of their 'ancient privileges and liberties' and subject them to 'absolute bondage', and the northern Netherlands formally abjured the sovereignty of the Spanish king in July 1581.[33] Despite opening with the courteous concession that 'the prince of a country is

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[31] Geoffrey Parker, *The World Is Not Enough* (Waco, Tex.: Markham Press Fund, 2001).
[32] 'Instruction and advice for the honourable Philip Marnix, Lord of St Aldegonde, 1572' in *Texts Concerning the Revolt of the Netherlands*, ed. E. H. Kossman and A. F. Mellink (Cambridge: Cambridge University Press, 1974) p. 99.
[33] *The Apologie of Prince William of Orange*, ed. H. Wansink (Leiden: Brill, 1969), pp. 54-55.

appointed by God', the Act of Abjuration went on to declare that 'subjects are not created for the benefit of the prince' (p. 216).[34] On the contrary, 'the prince is created for the subjects (without whom he cannot be a prince)'. He is 'elected' 'conditionally' as ruler upon certain 'contracts and agreements', above all 'to govern them according to right and reason' (p. 217). Furthermore, if a ruler should break these prerequisites - as Philip had done in his 'endeavours to oppress and molest' the Dutch States - he 'legally forfeits his sovereignty', and, according to '*the law of nature*' (italics mine), every subject has a right to take arms to protect their 'liberty' from his 'tyrannical enterprises' (p. 217).

Following the abjuration, the States ordered citizens to take an oath of loyalty to the new regime, stressing the necessity of public solidarity. The anonymous treatise, *Political Education* (1582), sought to support this demand, articulating a view of citizenship drawn directly from ancient Rome, and one philosopher in particular:

> If the famous orator Cicero … condemned Caesar and Anthony for infamy and dishonour, because they did not champion their fatherland but sought to suppress it, how much more should the Malcontents be condemned now, who still wear their masks in some place and in whose bodies, if one were to cut them open, one would find Spanish hearts. (pp. 173-74)[35]

Honour and morality required that all subjects that 'still glorify and fear the king of Spain' (p. 171) support their nation. As 'Cicero says in the second book of *De Officiis* … all kings have been instituted for the sake of justice' (p. 185) and 'it is founded in right, reason and equity that the one who has the power of making laws is also subject to the laws' (p. 186). Consequently, 'if the government, whatever it may be, Monarchical or Popular, abuses its authority … and turns it into force, violence or tyranny, as the King of Spain, as everybody knows, has plainly done, one should no longer acknowledge such a government' (p. 182). The 'pious or godly citizen or subject can have

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[34] *Edicts of the States General*, 26 July 1581 in *Texts Concerning the Revolt*, pp. 216-28.
[35] *Political Education* (1582) in *The Dutch Revolt*, ed. Martin van Gelderen (Cambridge: Cambridge University Press, 1993), pp. 165-226.

no common ground with a tyrant', this 'is why Cicero rightly says: … one should exterminate and destroy such a bloody and vicious beast' (p. 183). For, 'Cicero writes, defence is natural' (p. 197):

> Nature teaches man … to defend himself against another man, who is a wolf and tries to kill him. And since nature teaches that one man is created for the benefit of the others, so it is very reasonable, by the very same nature, to stand up for one another in trial and tribulation … in so far as nature demands from everyone what is right and reasonable … [thus] Cicero says that of all societies none is more noble, powerful or more secure than that in which good, pious, upright men, of congenial character, are united in friendship and bound to each other by fidelity. (p. 221)

As we can see, the main purpose of *Political Education* seems to be to engineer concord amongst the people and affirm the validity of what was an independent parliamentary republic. Moreover, it is inescapably evident that Cicero's account of government, grounded upon the contractual mandates of natural justice, lies at the heart of its efforts to do so.

Against this political backdrop, in 1583 Hugo de Groot (Grotius) was born. Swiftly to become one of the most influential figures in European thought, Grotius was shaped by the civil struggles that were the context of his birth, and he became a central participant in the continuing development of the moral theory of liberty behind the republican cause. As Martin van Gelderen notes, Grotius' *Treatise of the Antiquity of the Commonwealth of the Battavers* (1610),[36] which argued that the Dutch nation's freedom had been established by its Batavian ancestors and continually upheld, 'in many ways epitomized a pattern of ideas, developed in the previous decades, which presented the Dutch republic as built upon liberty, privileges, the States and popular sovereignty'.[37] 'This Sovereignty and power of the States', says Grotius, 'hath been the foundation of the Commonwealth, the harbour of perfect moderated equity, and the bridle of the Principalities prodigality' (*Dedication*). The Dutch populace had been 'established as a people of a free originall beginning' (p. 12). As such, 'according to the most reasonable Law of Nature' (p. 12), 'they were

[36] *Treatise of the Antiquity of the Commonwealth of the Battavers* (1649).
[37] Martin van Gelderen, *The Political Thought of the Dutch Revolt 1555-1590* (Cambridge: Cambridge University Press, 1992), p. 207.

enforced to take Arms' (*Dedication*) when 'Philip being of that unsatiable nature, that was content with nothing else but with an absolute power, envied all Nations that would prescribe a Law unto their Prince' (p. 112). Since which time, 'the Soveraignty of the States, which was not a little obscured and darkned by that usurped Authoritie of the last Princes, [was] brought againe shining more cleare in the light' (p. 123), for 'reason teacheth us that Authority is best of all there, where it is conferred upon the principall best men' (p. 141). Grotius espouses the idea of the United Provinces as a historically free nation, whereby the abjuration of Philip II was not an illegal rebellion, but a moral imperative dictated by reason and nature itself. Rulers are held in check by the laws of nature, and the entitlement to govern, Grotius argues, belongs only to a select and righteous few: 'the principall best men'. For, as Tuck has stated, Dutch 'republicanism was aristocratic … it was the virtuous senate that inspired them, rather than the popular assembly', and this ethical (and consequently constitutional) concern is what 'differentiated them from the Florentine republicans (including Machiavelli in his *Discorsi*)'.[38] While Machiavelli took Livy as his muse, championing the 'prudence and stability' of ordinary citizens, Grotius followed Cicero, who disdained 'an excessively free populace', believing that 'citizens should be weighed rather than counted' according to their moral merits. What the republicanism of Grotius and his followers across Europe seems to offer is an alternative interpretation of classical antiquity that resolutely opposes what Paul Rahe has surmised as 'the rapacious character of Machiavelli's republicanism', which, 'liberated from the moral restrains promoted by the ancients', 'pointedly ignores' 'the tradition of natural law'.[39] Instead, we find an adaptation of Cicero's mode of republican thinking

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[38] Tuck, *Philosophy and Government*, p. 159.

[39] Paul Rahe, *Machiavelli's Liberal Republican Legacy* (Cambridge: Cambridge University Press, 2006), p. xxii. In contrast to Skinner's assertion that Machiavelli makes a 'classical restatement' of 'traditional republican values' (see his 'Machiavelli's *Discorsi* and the pre-humanist origins of republican ideas' in Gisela Bock, Quentin Skinner, and Maurizio Viroli eds., *Machiavelli and Republicanism* (Cambridge: Cambridge University Press, 1991), pp. 121-142)), Rahe (following Leo Strauss) contends that Machiavelli 'advocates a new species of republicanism', which treats justice as 'purely instrumental' (p. xxii). However, while acknowledging a 'mixture of sorts', Rahe remains attached to the dichotomy between 'ancient republican' and 'modern liberal' (*Republics, Ancient and Modern* (Chapel Hill: University of North Carolina Press, 1992), p. x.

that takes the laws claimed to derive from nature as its foundation, stressing the contractual basis of state authority and the accountability of the sovereign, but which remains wary of the difficulty of popular rule and keen to promote the importance of communal fidelity.

Grotius' treatise of natural law and rights was also shaped by these Roman republican principles. As Benjamin Straumann has recently recognised, despite being so often touted as a distinctly modern theorist, 'Grotius built his influential theory of natural law and natural rights out of certain classical materials'; it was, Straumann claims, 'an essentially Ciceronian theory of justice'.[40] It also remains concerned with the need to justify the legitimate authority of the United Provinces amongst its European neighbours. In his *De Jure Praedae* (1604), a commentary in defence of predatory Dutch commerce against the Portuguese in the East Indies, Grotius states:

> The true way, then, has been prepared for us by those jurists of antiquity whose names we revere, and who repeatedly refer the art of civil government back to the very fount of nature … [as can be seen] in the works of Cicero. (p. 17)[41]

Grotius continues to define the abstract framework behind the formation of the republic, presenting an analysis of the origins of civil society, which remains informed by Cicero's own examination. All individuals, says Grotius, are by nature 'free and *sui iuris* (p. 33)', 'charged with the execution of [their] own rights' (p. 26). For 'all things in nature, as Cicero repeatedly insists … seek their own happiness and security' (p. 21) yet are also induced 'to do good to one another, and to lend each other aid' (p. 27). Thus, the '*respublica*' is but a 'condensed version of … the universal society established by nature' (p. 37), 'formed by a general agreement for the sake of the common good' and 'sufficing for self-protection through mutual aid, and for equal acquisition of the necessities of life' (p. 36). As we can see, Grotius' conception of the state is (like Cicero's) a 'collective agreement' (p. 39) amongst the people, based upon the natural premise of human

[40] Benjamin Straumann, *Roman Law in the State of Nature* (Cambridge: Cambridge University Press, 2015), p. 5.
[41] Grotius, *De Jure Praedae*, ed. Martine Julia van Ittersum (Indianopolis: Liberty Fund, 2006).

fellowship, and instituted to the end of safeguarding of their own discrete rights; for, 'just as every right of the magistrate comes to him from the state, so has the same right come to the state from private individuals'. Most crucially, 'both by natural and by divine law … all civil power resides in the state … [which] remains intact even after the establishment of a principate' (p. 128), '"natural liberty," being equivalent to ownership in regard to property' (p. 10). In other words, the authority of either magistrate or prince is not inviolable but merely transferred and might be at any time revoked by the state. Therefore, 'when Philip strove to regain through war the sovereign status from which he had fallen' the Dutch were provided 'with an exceedingly just motive for war, namely, the defence of their lives, property, and lawful liberty' (p. 131). Drawing once more upon Roman examples, Grotius asserts that as 'Cicero maintains … "Wars should be undertaken … that we may live in *peace* and *free from injury*"':

> just as a state often undertakes a public war for the personal benefit of citizens … so also citizens take up arms privately for the benefit of the state … [Scipio] Nasica [Serapio] adopted this course of action against [Tiberius] Gracchus, and certainly his deed is praised by all good men. Octavian did likewise against Antony. The same may be said of all tyrannicides. (p. 55)

The fact that Octavius shortly became a tyrant in his own right seems to have been an irony that either momentarily escaped or mattered little to Grotius, whose expedient choices of sources are often somewhat cavalier with regard to their contextual integrity.

Following upon this tack, in his magnum opus, *De Jure Belli ac Pacis* (1624), Grotius set about to define a collective set of rules and principles that would regulate the use of force on moral grounds. There is no Machiavellian glory to be found in military exploits. On the contrary, writing against what he saw as a 'lack of restraint in relation to war, such as even barbarous races should be ashamed of',[42] Grotius's 'most important objective was to moderate and humanise the conduct of

[42] Grotius, *De Jure Belli ac Pacis*, ed. Richard Tuck, 3 vols (Indianopolis: Liberty Fund, 2005).

war'.[43] For there are '*two Sorts of disputing in the World,* says *Cicero, the one by Reason, the other by Force, that agreeable to the Nature of Man, and this to Brutes, we ought never to have recourse to the latter, but when we cannot redress our Grievances by the former*' (II, pp. 485-6). In order to introduce and authorise this approach, Grotius positioned his theory of just combat within the framework of natural law and rights, as while '*between Enemies, Written, that is, Civil Laws, are of no Force, but Unwritten are, that is, those which Nature dictates*' (I, p. xxiv) - thus implicitly taking issue with the classical tag *inter arma silent leges* (in times of war, the laws are silent). Although distinctly more cautious in tone - most likely an effort to appease the imperial supporters of the Dutch regime - *De Jure Belli* continues to uphold the political ethics the United Provinces had formerly championed. Although now keen to denounce those 'who will have the Supreme Power to be always, and without exception, in the people' (I, p. 64), the crux of Grotius' case against the unfettered dominance of popular sovereignty is the people's liberty to voluntarily hand over their natural right of self-government to another person. The people 'may chuse what form of government they please' (I, p. 64), and, in certain circumstances, may 'find no other Means to save themselves' but to 'yield themselves up to one powerful Prince' (I, p. 65). As for the right to revolt against a sovereign, while careful not to encourage any 'promiscuous Right of Resistance' (I, p. 102), Grotius nevertheless quotes Cicero explicitly to determine that 'by the Law of Nature … *we repel Force and Injuries either defensively or offensively both from ourselves and those who ought to be dear to us, and … we punish Offences*' (II, p. 410). Thus, the people 'have a Right to defend themselves against their King, when he becomes excessively cruel' (I, p. 112). For 'Natural Right', Grotius reaffirms,

> *is the Rule and Dictate of Right Reason, shewing the Moral Deformity or Moral Necessity there is in any Act, according to its Suitableness or Unsuitableness to a reasonable Nature*, and consequently, that such an Act is either forbid or commanded by GOD, the Author of Nature. (I, p. 9)

[43] Heinz Duchhardt, "From the Peace of Westphalia to the Congress of Vienna" in *The Oxford Handbook of the History of International Law*, ed. Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), pp. 628-53 (p. 638).

Milton: A Double Tyranny

In the third edition of his treatise *Politica methodice digesta* (1614), dedicated to the States of Friesland, Johannes Althusius publicly commended 'for the imitation of others those virtues through which, by the grace of God, [the Dutch nation had] not only defended and conserved [its] commonwealth from tyranny and disaster, but also made it even more illustrious'. '[T]he success of your admirable deeds', extols Althusius, 'is so abundant that it overflows into neighbouring countries'.[44] Certainly, the political arguments of the Dutch Revolt had an impact beyond the Netherlands, perhaps most significantly of all upon the unfolding drama of the civil wars in England. As Scott has observed, 'English and Dutch republicanism emerged from a connected practical, as well as intellectual context', and, throughout the seventeenth century, the Dutch and British troubles remained 'crucially intertwined'.[45]

Charles I was not ignorant of the threat (both commercial and ideological) that the recent revolt in the Netherlands posed; he resented Dutch political success, fearing, according to his intimates, 'that this swelling of the Hollanders in power and riches and [their] being the chief encouragers against him may concur to the ruin of him and his Monarchy'.[46] Such concerns were not unjustified, for resistance propaganda from the United Provinces was being disseminated on an international scale. The Dutch were intent, as Hugh Dunthorne notes, upon restating their principles in vernacular pamphlets in order to give it a 'wide currency' across Europe, 'not least among readers in Britain'.[47] The impact of these pamphlets is evident; to take the testimony of the

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[44] Johannes Althusius, *The Politics of Johannes Althusius*, ed. and trans. Frederick S. Carney (London: Eyre & Spottiswoode, 1965), p. 45.
[45] Jonathan Scott, 'Classical Republicanism: England, the Netherlands' in *Republicanism*, ed. Quentin Skinner and Martin van Gelderen (Cambridge: Cambridge University Press, 2002), pp. 61-81 (p. 62).
[46] Anonymous coded letter, London, 9 May 1630 (possibly written by Sir John Coke, Charles I's secretary of state) to M. Damville (at Liege): BL Add. Ms. 69885.
[47] 'Of the thirty or so resistance tracts published in the Netherlands between 1568 and 1598 almost one third were translated and published in English, some at the instance of Orange and his advisors, others on the

anonymous author of the treatise *Observations upon the Prince of Orange* (1642):

> I met with the Apology of *William* Prince of *Orange*, in the yeere 1581. very well written, vindicating from all blame, not only him, but his adherents, for their revolt from *Spain*: Therefore I wonder at the foulness of their mouths, that dare call the *States* of those *Provinces*, Traytors, for throwing off that uneasie yoak … it being as lawfull as it is natural, for them to oppose injury by force … Sure reason doth produce no just arguments against it, and to think Divinity commands anything against Reason, were an absurd opinion.[48]

Here, the northern Provinces are justified as acting under the jurisdiction of both reason and godliness, which are proclaimed as the synonymous, 'natural' and unequivocal benchmarks against which political action must be judged. Denying the charges of treachery aimed at the Dutch, many of the puritan peers who contested Charles' Personal Rule were apprehensive of his Catholic sympathies and angered by his 'failure to re-enter the Thirty Years War in support of the Protestant cause', not to mention his own 'disregard of traditional 'liberties' and the rule of law'.[49] In comparison, the United Provinces stood as a symbol of civic success and proof that, as Hugh Peter put it, a 'state may stand upon any frame of government, if fastened together with justice, charity and industry, the only upholders of that flourishing neighbour-nation the Netherlands'.[50]

Of course, one of the central figures in the conversation between English and Dutch political thought was Grotius, who, alongside Cicero, provided those opposed to Charles with a theory of natural law and rights that could justify the English petition for civic sovereignty and the establishment of a republican regime. Robert Filmer, the quintessential spokesman for divine-right absolutism, was unimpressed. In an uninhibited critique of the Dutch scholar, Filmer derides the ideas 'that civil power depends upon the will of the people' or 'that private men or petty multitudes

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initiative of London publishers who saw that there was a market for such material': Hugh Dunthorne, 'Resistance and Reform' in *Britain and the Dutch Revolt 1560–1700* (Cambridge: Cambridge University Press, 2013), pp. 174-218 (p. 180).

[48] *Observations upon the Prince of Orange* (1642), pp. 1-3.

[49] Richard Cust, 'The Collapse of Royal Power in England, 1637–1642' in *The Oxford Handbook of the English Revolution* ed. Michael J. Braddick (Oxford: Oxford University Press, 2015), pp. 60-75 (p. 62).

[50] Hugh Peter, *Mr. Peters Last Report of the English Wars* (1646), p. 12.

may take up arms against their princes' (p. 222) as nothing more than 'the desperate inconveniences which attend upon the doctrine of natural freedom and a community of all things' (p. 225).[51] He abhorred Grotius' notion that the political order was not the outcome of divine ordination but of civic creation; a society of citizens whose position was, as Grotius 'teacheth', characterised by principles of 'the Natural Liberty and Equality of Mankind' (p. 234). That 'the people may choose what form of government they please, and that their will is the rule of right' was (in Filmer's view) ludicrous, leaving lawful kings 'no property in their kingdoms, but a usufructuary right only, as if the people were the lords and the kings but their tenants' (p. 232).

In his *Observations Concerning the Originall of Government* (1652), alongside Grotius, Filmer also took issue with another antagonist of unconditional monarchical rule, who had likewise insisted that 'all liberty doth … consist' in the people's 'right of choosing what government they please' (p. 207), John Milton. Seen by Filmer as (next to Hobbes) the twin terrors of the royalist establishment, Milton's relationship with Grotius is, I suggest, of unrecognised significance. Indeed, Milton's engagement with the Dutch jurist's classically founded political theory can be seen to have made a substantive impact upon his own polemical tracts. Of course, it is well known from Milton's retrospective biography in the *Defensio Secunda* (1654) that, upon his tour of the continent in 1638-9, Viscount Scudamore of Sligo introduced Milton to the famous Hollander. For Grotius was, in Milton's own words, 'a most learned man (then ambassador from the Queen of Sweden to the King of France) whom I ardently desired to meet' (p. 615).[52] Milton divulges no further information about the meeting. Yet, upon returning home from Europe owing (as Milton's recounts) to 'the sad tidings of civil war from England' (p. 616), Grotius' influence upon Milton's thinking can be openly observed.

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[51] Robert Filmer, *Observations Concerning the Originall of Government* (1652) in *Patriarchia and Other Writings*, ed. Johann P. Sommerville (Cambridge: Cambridge University Press, 1991).
[52] John Milton, *Doctrine and Discipline of Divorce* in *The Complete Prose Works of John Milton*, ed. Don M. Wolfe, 8 vols (New Haven: Yale University Press, 1953-82), II.

Initially, however, Milton's borrowings from Grotius were not put to use directly on behalf of the parliamentary cause, but rather for a more narrowly focused and subjective concern. While Charles raised the standard at Nottingham signalling the beginning of war, Milton laid aside his attacks upon the episcopate and its monarchical head and began to appeal to parliament upon the issue of divorce. Immediately following Milton's own estrangement from his recent bride, Mary Powell, who had deserted him in August 1642, Milton's incentive to engage in the controversy is not hard to deduce. As David Loewenstein writes, 'it was a personal crisis that assumed national proportions'.[53] Of the four divorce tracts that Milton produced, it is in the *Doctrine and Discipline of Divorce* (1644) that we can best perceive Grotius' contribution.[54] Essentially a feat of scriptural hermeneutics, here Milton employs Grotius as an authority upon biblical exegesis in his efforts to insist upon '*The absurdity of our canonists in their decrees about divorce*' (p. 234), which stipulated only six grounds for the procedure, desertion and discontent not amongst them. '*Hugo Grotius*', says Milton, 'a man of these times, one of the best learned, seems not to adhere in his perswasion to the equitie of those imperiall decrees' (p. 238), which crossed 'a law not onely writt'n by *Moses*, but character'd in us by nature, of more antiquitie and deeper ground than marriage itself, which Law is to force nothing against the faultless properties of nature' (p. 237). As 'observ'd by *Grotius*' (p. 329), by 'that law *Deut*. 24. 1. ... a man hath leave to part, whenas for just and natural cause discover'd he cannot love' (p.330). In the words of Jason P. Rosenblatt, 'Milton learns from Grotius ... that exegetical and rational cognition can be compatible'.[55] It was a call for interpretational freedom, which maintained that where God readily equipped mankind 'with honest liberty and prudence to our guard' (p. 343),

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[53] David Loewenstein, 'Milton's Prose and the Revolution' in *The Cambridge Companion to Writing of the English Revolution*, ed. N. H. Keeble (Cambridge: Cambridge University Press, 2001), pp. 87-106 (p. 92).
[54] See also *Judgement of Martin Bucer Concerning Divorce* (1644) and *Tetrachordon* (1645) in *The Complete Prose Works*, II.
[55] Jason P. Rosenblatt, 'Milton, Natural Law, and Toleration' in *Milton and Toleration*, ed. Sharon Achinstein and Elizabeth Sauer, pp. 126-143 (p. 132).

> we literally superstitious through customary faintnes of heart, not venturing to peirce with our free thoughts into the full latitude of nature and religion, abandon our selvs to serve under the tyranny of usurpt opinions … and hale us into a multitude of sorrows which God never meant us. (p. 343)

When 'opinions' are placed above our natural capacity to discern moral laws, the impious result is a 'drooping and disconsolate household captivitie without refuge or redemption' (p. 235). The matter was not, moreover, merely ecclesiastical. Milton takes pains to politicise the problem, enforcing an analogy between oppression in the home and oppression in the commonwealth. For 'if natures resistles sway in love or hate be once compell'd, it grows careles of itself, vitious, useles friend, unserviceable and spiritles to the Common-wealth' (p. 235), and 'no effect of tyranny can sit more heavy on the Common-wealth, then this household unhappines on the family' (pp. 346-47). The laws of nature, it would seem, are already a significant aspect of Milton's theopolitical ethics, and an interest informed by Grotius' own analysis.

The year 1649 was one of climactic revolutionary upheaval and marked a substantial turning point in Milton's career. It was preceded by the purging of Parliament and followed by the regicide, the abolition of kingship and the House of Lords, and the formation of the republic - events that were endorsed forcefully by Milton. Yet, as Thomas Corns has written, there is 'little in his vernacular writings of 1649 … to show that Milton actively sought to argue for the English republic in terms derived either from [the] classical models or Machiavellian political theory' that we have come to associate with a fundamental repudiation of monarchy.[56] Milton argued in favour of civic sovereignty, and, as a consequence, the institution of a republican government. However, in Milton's eyes, this reasoning was not radical but orthodox, initiating not a regicide but a tyrannicide, and, above all, concerned with upholding the moral and meritocratic principles of nature's own ordinance. The first of Milton's tracts, *The Tenure of Kings and Magistrates* (1649), was

[56] Thomas Corns, 'Milton and the Characteristics of a Free Commonwealth' in *Milton and Republicanism*, pp. 25-41 (p. 26).

composed during the trial of Charles I between the 15th and 29th of January and published two weeks after his execution on the 30th of January. The situation was fraught. The New Model Army, having liberated the nation from Charles' tyranny, wished to establish a government in the name of the people. However, the people were far from united in support. Caught between the opposing factions of Presbyterians (who favoured a treaty with Charles) and the Levellers (who questioned the authority of a body acting without the explicit consent of the majority), the Rump parliament established to act on behalf of the people were presiding with very little backing. In circumstances noticeably similar to those of his predecessors, it was a civil conflict in which a tension existed between the will of "people" and the will of those who sought to act in their name. Milton also had his credibility to establish. For at this time, it was still primarily as a 'divorcer' that Milton was recognised in the world of polemical print. To Clement Walker, one of the Members of Parliament 'purged' by the army, the *Tenure* was a book of

> *John Meltons* (a Libertine, that thinketh his Wife a Manacle, and his very Garters to be Shackles and Fetters to him: one that after the Independent fashion will be tied to no obligation to God or man) wherein he undertaketh to prove, *That it is lawful for any that have the power to call to account, Depose, and put to Death wicked Kings and Tyrants (after due conviction) if the ordinary magistrate neglect it.*[57]

Although framed in a derogatory fashion, Walker's observation of the link between Milton's views on marriage and the *Tenure*, the domestic and the civil, is revealing. As we shall see, the ethical case Milton uses to justify the king's trial and punishment shares with his divorce tracts a basis in the bond between natural law and liberty, which reiterates many of the claims and qualifications espoused by both Cicero and Grotius.

To begin, the root of Milton's argument derives (as Cicero's and Grotius' did) from an explication of the origins of human society. Here, as William Poole puts it, 'political identity is …

[57] Clement Walker, *Anarchia Anglicana, the Second Part* (1649), p. 99.

half in and half out of Eden'.[58] Straddling the divide between the postlapsarian and the prelapsarian, Milton interprets from the Fall a contractual theory of government that asserts the unassailable and natural freedom and dignity of mankind, yet also the necessary construction of a political community to protect human fellowship and justice in a world of sin:

> No man who knows ought, can be so stupid to deny that all men naturally were borne free, being the image and resemblance of God himself ... Till from the root of *Adams* transgression, falling among themselves to doe wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutual injury. (p. 155)[59]

Thus,

> they saw it needful to ordaine som authoritie, that might restrain by force and punishment what was violated against peace and common right. The authoritie and power of self-defence and preservation being originally and naturally in every one of them ... for ease, for order, and least each man should be his own partial Judge, they communicated and deriv'd either to ... a King [or] others Magistrates ... to execute, by vertue of thir intrusted power, that justice which else every man by the bond of nature and of Cov'nant must have executed for himself, and for one another. ... It being thus manifest that the power of Kings and Magistrates is nothing else, but what is only derivative, transferr'd and committed to them in trust from the People, to the Common good of them all, in whom the power yet remains fundamentally, and cannot be tak'n from them, without violation of their natural birthright. (pp. 155-7)

Applying the contractual reasoning behind both Cicero's and Grotius' claims to the biblical narrative of Genesis, Milton affirms the divine origins of nature, whereby human liberty belongs to the people unconditionally and cannot be revoked without an illegal 'violation' of their inborn and God-given privileges. Yet, he verifies simultaneously the necessity for a virtuous government, which will maintain those natural rights. Milton treads, as it were, a tenuous line between advocating the power of the freedom that belongs to every member of the populace, and defending the precarious

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[58] William Poole, *Milton and the Idea of the Fall* (Cambridge: Cambridge University Press, 2005), p. 141.
[59] Milton, *The Tenure of Kings and Magistrates* in *The Complete Works of John Milton, Vol. VI: Vernacular Regicide and Republican Writings*, ed. N. H. Keeble and Nicholas McDowell (Oxford: Oxford University Press, 2013).

position held by the Rump parliament as preventing the onset of communal anarchy. It is a delicate balance designed to placate the English population, persuading them of the moral authority upon which Charles's trial and sentence had been legally licensed - a challenge to which the theory of natural law and rights could be readily adapted.

For, while some form of government was required, tyranny, Milton insists, is by nature impermissible. In asserting a right of resistance to Charles's authority, as Martin Dzelzainis has recently commented, Milton 'swe[pt] away the distinctions upon which the Lutheran and Calvinist theories of resistance were built', between private persons and inferior magistrates, tyrants without title and tyrants by practice. Instead, what Milton can be seen to express is a 'more basic commitment to [the] stoic, and specifically Ciceronian values' that were also championed by Grotius, above all, to the 'notion of the brotherhood of man'.[60] For, while the people might either choose or reject a king or magistrate, 'though no Tyrant, merely by the liberty and right of free born Men, to be govern'd as seems to them best', tyranny was an infraction of the communal bond of human nature, which, through the faculty of 'reason' alone, ought to commend action:

> A Tyrant whether by wrong or right coming to the Crown, is he who regarding neither Law nor the common good, reigns onely for himself and his faction … Against whom what the people lawfully may doe, as against a common pest, and destroyer of mankinde, I suppose no man of cleare judgement need goe furder to be guided then by the very principles of nature in him. (p. 161)

As Cicero, Grotius and Milton would have it then, a tyrant who ignored the laws of nature was a persecutor and 'common enemie' of not only their own nation but of humanity itself. Furthermore, in such a scenario, every man is invested with a natural right to reprimand this transgression, for 'the Law of nature justifies man to defend himself, ev'n against the King in Person'. The state, in turn, represents the mass accumulation of this individual right. Thus, 'a State or whole people …

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[60] Martin Dzelzainis, 'The Ciceronian theory of tyrannicide from Buchanan to Milton', in *George Buchanan*, ed. Caroline Erskine and Roger A. Mason (Farnham: Ashgate, 2012), pp. 173-87 (p. 180).

[may] doe justice upon him, against whom each privat man may lawfully defend himself', for 'all kind of justice don, is a defence to good men, as well as a punishment to bad', whereby 'justice don upon a Tyrant is no more but necessary self-defence of the whole Common Wealth' (p. 161). Grotius too had used Cicero to proclaim the right to punish those who break the laws and rights of nature,

> Cicero himself ... places vengeance ... among the manifestations of the natural law... [which he] defines as "that act by which, defensively or punitively, we repel violence and abuse from ourselves and from those close to us whom we should hold dear," and also as "that act whereby we inflict punishment for wrongdoing." ... Accordingly that precept of law which demands the punishment of evildoers is older than civil society and civil law, since it is derived from the law of nature, or law of nations. (*DIJ*, p. 39)

Following Grotius' emphasis upon the 'law of nations', Milton's own exposition of natural justice is also already consciously international in its outlook, seeking to situate the proceedings of the English commonwealth within a continental arena of politics to which his audience could relate. Unsurprisingly, the Netherlands became one of Milton's prime examples, as he states,

> In the year 1581, the States of *Holland* ... abjur'd all obedience and subjection to *Philip* King of *Spaine*; ... [for] his tyrannous government ... he had lost his right to the Belgic Provinces ... therefore they depos'd him and declar'd it lawful to choose another in his stead. ... From that time, to this, no State or Kingdom i' he world hath equally prosperd. (pp. 168-9)

Moreover, '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. 162). For,

> If [Philip II] ... coming from *Spaine* in person to subdue us or to destroy us, might lawfully by the people of *England* either bee slaine in fight, or put to death in captivity, what hath a native King to plead, bound by so many Covenants ... Who knows not that there is a mutual bond of amity and brother-hood between man and man over all the World ... But when any of these doe one to another so as hostility could doe no worse, what doth the Law decree less against them, then op'n enemies and invaders? ... He therefore that keeps peace with me ... of whatsoever Nation, is to mee as farr as all civil and human offices an Englishman and a neighbour, but if an Englishman

> forgetting all Laws, human, civil and religious, offend against life and liberty ... he is no better then a Turk, a Sarasin, a Heathen. (pp. 162-3)

In the *Tenure*, the global order of nature and nations promoted by Grotius is applied nationally to vindicate and legitimise the actions that had resulted in the institution of the English republic, with the Dutch revolt providing Milton with a vital precursor.

Yet quite unlike the populist doctrine of Machiavelli or the more egalitarian inclinations of the Levellers, in deciding who precisely might judge the king to be a tyrant and authorise his chastisement, Milton's stance is significantly more qualified and conservative. Within Milton's political prose one can witness the ideological turbulence of the English quest for civic sovereignty. Milton's awareness that the New Model Army lacked the support of the majority of his countrymen permeates the tract, as Milton (like Cicero and Grotius before him) employs the notion of natural law to differentiate between those who were morally fit to adjudicate the standards of justice and those who were not - the senate from the plebs. Just as Grotius advocated the authority of 'the principall best men' and Cicero claimed that especially 'in a civil discord ... citizens should be weighed rather than counted', so Milton insists,

> who in particular is a Tyrant cannot be determin'd in a general discours, otherwise then by supposition; his particular charge, and sufficient proof of it must determin that: which I leave to the Magistrates, at least to the uprighter sort of them, and of the people, though in number less by many, in whom faction hath least prevailed above the Law of nature and right reason, to judge as they find cause. (p. 154)

In an effort seemingly to support and rationalise the Rump, Milton claims that those who ought to determine a parliament's actions were not the masses, and not even all of the magistrates, but only those magistrates who proved themselves worthy: 'the uprighter sort'. Although vague, Milton's moral principles fulfil a practical purpose. As Stephen Fallon has remarked, while 'the ascendant Independent party moved through the cataclysmic events of 1649 without a fully realized political programme', 'Milton like others was obliged to keep pace with events by cobbling a set of intuitions

and nascent principles into a coherent … political theory'.[61] As we have seen, this included a concept of ethical elitism that runs throughout the tradition of natural law and rights, however unpalatable it appears to our modern day conceptions of the democratic government it is supposed to precede.

However, the consent and fidelity of the people in which Milton had located political power was still a paramount concern. As Nicholas McDowell has written, it is not insignificant 'that the publication history of the *Tenure* ties the tract to Commonwealth government campaigns to persuade citizens to swear allegiance to the regime during the successive 'Engagement controversies' of 1649-50'.[62] Like the United Provinces had done, on the 10th February Parliament issued the form of an oath of allegiance which should be administered to 'every Freeman in every City, Borough and Town corporate', followed swiftly by the passing of an Act 'constituting a Council of State'.[63] But a month later, this newly established administration called Milton from private life and appointed him to the post of Secretary for Foreign Tongues, a position he held until the eve of the Restoration. Upon assuming his duties for the new Republic, he was commissioned by the Council of State to compose *Observations upon the Articles of Peace, Eikonoklastes*, and a response to the anonymous *Defensio regia pro Carolo I* by the French humanist scholar Claude de Saumaise (or Salmasius). These writings were directed largely to audiences overseas - in the case of the *Defensio pro Populo Anglicano* (1651) the Dutch in particular, with whom the English republic were in the midst of attempting to establish diplomatic relations, and where Salmasius himself was residing. Playing up Holland's philosophical kinship with Rome, Milton crows to Salmasius,

> Perhaps you recall the palmiest days of the Roman republic were after the expulsion of kings? Could you forget the Dutch, whose republic, after they had driven out the

[61] Stephen M. Fallon, 'Nascent Republican Theory in Milton's Regicide Prose' in *The Oxford Handbook of Literature and the English Revolution*, ed. Laura Lunger Knoppers (Oxford: Oxford University Press, 2012), pp. 309-26 (p. 310).
[62] Nicholas McDowell, 'General Introduction' in *The Complete Works of John Milton, Vol. VI: Vernacular Regicide and Republican Writings*, p. 15.
[63] 'An Act of this Present Parliament for Constituting a Counsell of State for the Commonwealth of England' in *Acts and Ordinances of the Interregnum, 1642-1660*, ed. C. H. Firth and R. S. Rait, 3 vols (Abingdon, Oxon: Professional Books Ltd., 1983), II, p. 2.

> Spanish king in long wars successfully waged, by glorious courage won her freedom? Now at her own expense the republic supports you as a knight of the blackboard, not, we hope, that the Dutch youths may from your lying sophistry learn to be so foolish as to choose a return to Spanish slavery rather than fall heir to the glorious freedom of fathers! (pp. 429-30)[64]

While 'Parliament had gained the upper hand in England … it had lost the initiative in Dutch propaganda to the royalists', who were 'supported by both the [late] Prince of Orange and a large part of the political nation'.[65] Milton implores recognition of the political sympathies between the two republics. 'Consider now, most illustrious council of the Federated Netherlands', he entreats, 'who it was that incited this partisan of royal authority to write, who it was that lately began to act the king amongst you', and 'how that liberty which had been won … would now have perished … had not the most providential death of that headstrong youth allowed it to breathe again' (pp. 311-12). The unexpected demise of the Stadtholder had, Milton implies, been a saving grace for the Dutch, who ought now to reaffirm their standing as a republic and ally with England. Although Milton is also keen to assert national independence - 'for the English see no need for them to justify their own deeds by the examples of any foreigners whatever' (p. 533) - throughout his combative sequence of animadversions, we can perceive once again how the permissive theory of natural law and rights championed throughout the Dutch revolt becomes the moral cornerstone upon which Milton's vindication rests, with an increasingly explicit focus upon its classical antecedents.

Sardonic and rebarbative in tone, Milton disparages Salmasius as the 'Mouthpiece of foulest infamy' (p. 469), declaring that regarding 'the punishment of the king and the change in our form of government, you must stop that brawling and pouring forth of your poisonous venom' (p. 317). For, as Milton insists, '[if] you … demand "By what right of law?" [these deeds were done], my reply

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[64] John Milton, *Defensio Pro Populo Anglicano* in *The Complete Prose Works*, IV. On Milton's personal involvement in Anglo-Dutch relations, see Robert T. Fallon, *Milton in Government* (University Park: Pennsylvania State University Press, 1993), pp. 73-88 and Leo Miller's, *John Milton and the Oldenburg Safeguard* (New York: Loewenthal Press, 1985) and *John Milton's Writings in the Anglo-Dutch Negotiations, 1651–1654* (Pittsburgh: Duquesne University Press, 1992).

[65] Helmer J. Helmers, *The Royalist Republic* (Cambridge: Cambridge University Press, 2015), pp. 40, 42.

is "By that law of Nature and of God which holds that whatever is for the safety of the state is right and just"' (pp. 317-18), whereby we 'cannot without wickedness and extreme sacrilege deliver ourselves as slaves to Caesar, that is to ... a man who is unjust, unrighteous, and a tyrant' (p. 377), or such is the judgment 'of Cicero in the *Laws*' (p. 383). As 'Cicero writes in the *Twelfth Phillipic*, [the law] is "nothing but that right reason derived from divine will which commands what is right and forbids what is wrong"' (p. 383). According to which, while the 'appointment of magistrates ... [exists] to the end that men may through their guidance live under law', 'the choice of the form of government and of magistrates has always belonged to men in free nations' (p. 383). Moreover, '[j]ust as once under nature's guidance men advanced from the use of force to laws, so of necessity they must follow that same guide and return to force when laws are disregarded' (p. 466). Thus 'Marcus Tullius says of Caesar's murderers in the *Second Phillipic*: '"... This deed is not only noble and god-like in itself, but is an example to us all"' (p. 469). Milton's repeated dependence upon Cicero as a model not only of his rhetoric, but also his moral and political authority is clear.[66] Equally, upon the contentious issue of the right to judge:

> "The power to judge, however," so you say, "never rested with the House of Commons." Never did it rest with the king of England; and remember nonetheless that originally all power came, as it does even now, from the people. This point is well set forth by Cicero in his speech *On Agrarian Law*: "It is agreed that all power, authority, and agency is derived from the whole people, and in particular those offices which were established for the benefit or convenience of the people ... ". (p. 485)

However, although bestowing upon the people the natural right to choose their government, the "people" was already becoming for Milton (as for his predecessors) a progressively intractable concept, about which he appears both evasively idealistic and pragmatic, optimistic and disillusioned. As Paul Hammond reflects, the people 'are entrusted with the preservation of liberty ... [and] Milton's rhetoric soars as he envisages their role'. Yet, he is also 'uncomfortably aware that

[66] See also pp. 332, 350-51, 352, 383, 402, 439, 444, 446, 466-67, 468-69, 501, 504.

the people are rarely sufficiently pure, intelligent, or energetic to discharge those responsibilities which his political theory and his theology would place upon them'.[67] For, while Milton claims that 'a people which has felt the weight of slavery's yoke on its neck may be wise, learned, and noble enough to know what should be done with its own tyrant, without asking the advice of foreigners or pedagogues' (p. 338), he is again forced to concede that the revolution was not a majority movement, but rather an act of the virtuous, rational 'better' or 'sounder' part that bears a synecdochic relation to the nation: those 'in whom faction hath least prevailed above the Law of nature and right reason' (p. 154). Again, necessity and preservation become Milton's justification, for '[i]f…a country harassed by faction and protecting herself by arms regards only the sound and upright side, passing over or shutting out the others, whether commons or nobles, she maintains justice well enough' (p. 317). Yet, as Filmer would famously rebut, "If the *sounder, the better, and the uprighter* part have the power of the people, how shall we know, or who shall judge who they be?" (p. 210). The remnant of better citizens and parliamentary representatives of the people's 'real power' seem to resist identification, though their superior reason is assumed. For although all are born into a state of natural liberty, only 'the wise, that is, and the brave' 'or more able part' (pp. 343, 470) are desirous of liberty and can maintain it.

Yet, if the exact criterion of this distinction remains obscured in Milton's unsystematic philosophy, what it appears to depend upon is an inspirational vision of one's personal capacity to resist not only political tyranny but also the tyranny of both custom and prodigality, to pursue lawful liberty, rather than passionate license. In other words, civic sovereignty depends upon self-sovereignty, the community upon the individual. For just as Cicero vouched that 'excessive license which [many] think the only true liberty, is the stock from which tyrants grow' (*Pub.*I.67), and Grotius also would approve only 'liberty … that is neither immoderate or unbridled (for LIBERTY attended by these attributes is more accurately called LICENSE)', so Milton too affirmed:

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[67] Paul Hammond, *Milton and the People* (Oxford: Oxford University Press, 2014), p. 1.

> If men within themselves would be govern'd by reason, and not generally give up thir understanding to a double tyrannie, of Custom from without, and blind affections within, they would discerne better what it is to favour and uphold the Tyrant of a Nation. But being slaves within doors, no wonder that they strive so much to have the public State comfortably govern'd to the inward vitious rule, by which they govern themselves. For indeed none can love freedom heartily, but good men; the rest love not freedom, but licence; which never hath more scope or more indulgence than under Tyrants. (*Tenure*, p. 151)[68]

All 'unbridled passion' and 'custom … contrary to the divine will, to nature, and to reason … should be revoked and held invalid by reason of that basic and inclusive law' that is the only key to true liberty, and which every individual should strive to uphold.

It soon appeared, however, that it was not only a malcontent and profligate populace which might hinder the Good Old Cause, and that not all those esteemed initially to be of 'the sound and upright side' dictated by nature were immune from the seductions of 'inward vitious rule'. Throughout the 1650s, license, not in the people but in their leadership, it seemed, would cause the overthrow of the Commonwealth. Hostility brewed from the start. As David Smith remarks, 'English politics during that decade were characterised by a constant tension between army leaders and civilian politicians'.[69] While the new republic was ostensibly governed by a parliament, the New Model Army, having played a pivotal role in the removal of Charles, had retained a powerful influence. Aware that those who had pursued Charles' trial and execution were only ever a minority of the nation's population, the leaders of the republic required the army's protection, despite the fact that its control challenged the 'supreme authority' bestowed upon the Rump. Only Oliver Cromwell held the necessary influence to manage both sides, and the political dominance he accrued as a result of this effectively saw the cause of liberty collapse from within. On 20th May 1653, exasperated with what he saw as Parliament's lack of co-operation, Cromwell forcibly

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[68] Grotius quoted in Tuck, 'Grotius and Selden', p. 506.
[69] David L. Smith, 'English Politics in the 1650s' in *The Oxford Handbook of the English Revolution*, pp. 186-200 (p. 186)

dissolved the Rump, stating its members would 'never answer to those ends which God, his people and the whole nation expected of them', and insisting that he should 'call to government persons of approved fidelity and honesty'.[70] However, the performance of this nominated assembly, often known as Barebone's parliament, was (to Cromwell) equally unsatisfactory. Therefore, in October, Major John Lambert began to draft a new constitution, the Instrument of Government, and, on 16th December, Cromwell was installed as Lord Protector in Westminster Hall. Constitutionally, as Wilbur Abbot put it: '[n]othing was left of the Commonwealth experiment but the name' (III, p.135).

While Milton had argued that the 'necessity' of upholding natural law justified the execution of the king - for, as Cicero would have it, it was 'necessary to refer … to the standard of nature' (*Leg.*I.46) - Cromwell began to transmute the term in order to rationalise his own reign. Although in his speech at the opening of Parliament in September 1654, Cromwell referred repeatedly to his ostensible unwillingness to preside over the republic - 'I called not myself to this place' (III, p. 152), 'I denied it again and again' (III, p. 455) - such displays of humility soon conceded to the admission that 'necessity hath no law' (III, p. 460). Of course, '[f]eigned necessities', according to Cromwell, might very well 'make pretences to break known rules by', but it is 'stupid to think that there are no necessities that are manifest necessities, because necessities may be abused or feigned' (III, p. 460). Besides, '[t]he Lord's providence - appearing evil, appearing good - and better judgment will give occasion for the ordering of things for the best interest of the people' (III, p. 460). In a bold move away from Milton's propaganda regarding the regicide, as Samuel Johnson would later note in his 'Life of Milton', that Cromwell's 'authority was lawful, never was pretended: he himself founded his right only in necessity'. The word seems to have become Cromwell's maxim, as he sought continually to 'excuse' his 'actions' (IV, p. 261) through 'the grounds of necessity

[70] Oliver Cromwell, *The Writings and Speeches of Oliver Cromwell*, ed. Wilbur Cortez Abbott, 4 vols (Cambridge, MA: Harvard University Press, 1937-1947).

[which are] above all considerations of justification' and 'Law' (IV, p. 261).[71] As Christopher Hill once wrote, almost by Cromwell's own admission, 'the Protectorate was sitting on bayonets, and not much else'.[72] For while apparently defending the sacred republic, the Protectorate flagrantly contradicted the natural right of choice imperative to any notion of civic sovereignty, exempting itself on expediency alone.

It was a turn of events greeted with hostility by many radicals, incensed by Cromwell's betrayal of the principles of liberty that he had claimed to represent. Moreover, heightening the irony of the situation, those now censuring the state (whether overtly or obliquely) wryly deployed the very same natural law arguments that Milton had used to justify its establishment. History really did seem to repeat itself, as Cromwell's assumption of power created a new context for republican resistance theory. John Streater, for example, one of Cromwell's most acute detractors, was quick to proclaim his armed autocracy 'next doore to Monarchy'.[73] Even before the dissolution, Streater's first publication, *A Glympse of that Jewel, Judicial, Just, Preserving Libertie*, written in March 1653, was 'both a bold statement of classical republicanism and a covert attack on Cromwell'.[74] In it Streater urged 'that every Member of the Commonwealth, of right and in duty, ought to watch to their Liberty, and prevent Absoluteness in persons of great Trust', advising the people 'not [be] mistaken in higher Powers, [that] ought to be bound up by a law of mutual consent of the Generality' for that 'way the Nimrods of this world grow mighty and powerful' (*Preface*).[75] Cementing Streater's status as a 'Ciceronian' republican, the tract also makes repeated analogies to ancient Rome :

> *Romes* power began to decline, when the power and secret reasons of the State were assumed by ... one person ... when *Caesar* was made perpetual Dictator: Therefore since we find *Rome* strip'd of her liberty and glory, let *England* watch to hers ... to

[71] Johnson, 'Life of Milton' in *The Lives of the Poets*, ed. Roger Lonsdale (Oxford: Oxford University Press, 2006), p. 70.
[72] Christopher Hill, *The Century of Revolution, 1603-1714* (Edinburgh: Nelson, 1961), p. 137.
[73] [John Streater] 'Ten Queries' (Thomason MS, E.693.5), fol. iv.
[74] Joad Raymond, 'John Streater and the Grand Politick Informer', The Historical Journal, 41:2 (1998), 567-574 (568).
[75] John Streater, *A Glympse of that Jewel, Judicial, Just, Preserving Libertie* (1683).

> preserve it from that danger. (pp.1-2)[76]

Streater encourages his readers to remember that 'All Law and Government originally ariseth from the Law of Nature, to preserve all in being and propertie' and only by enforcing this 'rational Ordinance for the Publick good' (p. 8) can liberty be upheld. Like Milton, Streater was also a champion of 'Grotius *that Great Oracle of the Civil Law*',[77] vouching that any man doubting civil authority 'should read *Grotius* and other such like, who will tell him, That a Supream Power is Imprudent'.[78] As Nigel Smith has written, in vocally opposing Cromwell, what Streater stood for 'was a fulfillment of Milton's most optimistic ideas'.[79]

Yet Streater was not the only anti-Cromwellian radical for whom Milton acted as an intellectual precursor. The most sustained application of Milton's arguments in rebuff of the Protectorate is the facetious pamphlet, *Killing noe murder* (1657), penned by Edward Sexby. Here, in a tone of mock encomium, Sexby bestows upon Cromwell the accolade of his own assassination: '[t]o your Highnes justly belongs the honour of dying for the people, and it cannot choose but be an unspeakable consolation to you … to consider, with how much benefit to the world you are like to leave it' (*To his Highnesse*).[80] In justifying this duty, Sexby draws on the very same line of reasoning used previously by the 'learned Milton' (p. 9). 'Tyrannie', says Sexby, 'is against the law of nature, that is, the law of humane Society, in which humane nature is preserved', and 'Bellum est in eos, Qui judiciis Coerceri non possunt (saies Cicero). We have warr with those against whom we can have no law'. Indeed,

> by the law of nature when no justice can be had, every man may be his own Magistrate, and doe justice for himself … [for] a Usurper that by only force posseseth himself of

[76] Nigel Smith, *Literature and Revolution in England, 1640-1660* (New Haven: Yale University Press, 1994), p. 198.
[77] Streater, *The Continuation of this Session of Parliament, Justified* (1659), p. 10.
[78] Streater, *A Shield Against the Parthian Dart* (1659), p. 15.
[79] Smith, 'Popular Republicanism in the 1650s: John Streater's 'heroick mechanicks'' in *Milton and Republicanism*, pp. 137-55 (p. 154).
[80] Edward Sexby, *Killing Noe Murder* (1657).

> government, and by force onely keeps it, is yet in the State of warr with every man, saies the learned Grotius. (p. 7)

Sexby's focus on natural law is resolute. Furthermore, like Milton, he also expresses his disdain for those unable to perceive their own subjection, a charge now equally as applicable to 'republicans' as royalists:

> a free people, who have no superiour but their God, should have none at all against the injustice and oppression of a Barbarous Tyrant? But the vulger judge ridiculously like themselves. The glister of things dazles their eyes, and they judge of them by their appearances; and the colours that are put on them. For what can be more absurd in nature, and contrary to all common sence, then … to call him Lord Protectour and obey him, that robbes me with Regiments and Troops? … instead of Gods immediate command or the peoples consent his Highnes hath no other Title but force & fraud, which is to want all Title. (p. 8)

In Sexby's eyes, rather than meritocratic assent or godly order, might and scheming had been the only foundation of Cromwell's rule, and it was against nature that the people should not recognise it to be so. Regardless of Cromwell's appeals to either public 'necessity' or divine 'providence', in the words of Laura Lunger Knoppers: 'the Machiavel [became] the uncanny shadow of the pious' Protector.[81]

However, to gage Milton's response to both the Protectorate and its critics has proved more problematic. In Johnson's view,

> Milton, having now tasted the honey of publick employment, would not return to hunger and philosophy, but, continuing to exercise his office under a manifest usurpation, betrayed to his power that liberty which he had defended. Nothing can be more just than that rebellion should end in slavery: that he, who had justified the murder of his king, for some acts which to him seemed unlawful, should now sell his services and his flatteries to a tyrant, of whom it was evident that he could do nothing lawful. (p. 70)

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[81] Laura Lunger Knoppers, *Constructing Cromwell: ceremony, portrait, and print 1645-1661* (Cambridge: Cambridge University Press, 2000), p. 158.

Despite Johnson's partisan perspective, it is true that Milton remained within state employment throughout the 1650s, accommodating himself to successive Interregnum regimes. Yet, despite these facts, it has been the prevailing view of modern scholarship that Milton became gradually disillusioned with the Protectorate's ambitions.[82] Certainly, Milton's *Pro Populo Anglicano Defensio Secunda*, which was published in late May 1654, suggests a substantial degree of unease with the dynamics of power following the dissolution. A controversial and rhetorically ornate piece of writing, *Defensio Secunda* appears as both a patriotic vindication of the Commonwealth and its leader, and a prophetic warning against the temptations of power. Any informed reader of the tract would find it hard to proclaim Milton's unquestioning subservience to the Protectorate. Instead, as David Armitage has written, it appears to present an 'admonition to Cromwell', particularly concerned with the 'moral decline' in which 'popular liberty had been extinguished'.[83]

For one, Milton offers recognition of 'a great many other citizens of pre-eminent merits' as deserving to share power with Cromwell, two amongst this epic catalogue of named worthies being determined and acknowledged opponents of his rule: John Bradshaw and Robert Overton. Proclaiming his long-held allegiance to both men - 'the most faithful of friends' (p. 639), who 'for many years have been linked to me with a more than fraternal harmony' (p. 676) - Milton recounts

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[82] See Arthur Baker, *Milton and the Puritan Dilemma* (Toronto: University of Toronto Press, 1942), p. 196; Don M. Wolfe, *Milton and the Puritan Revolution* (New York: Nelson, 1941), pp. 289-90; Barbara Lewalski, 'Milton: Polemical Beliefs and Polemical Methods', *Publications of the Modern Language Society of America*, 74 (1959), 192-3; Michael Fixler, *Milton and the Kingdoms of God* (London: Faber, 1964), pp. 198-9; Austin Woolrych, 'Milton and Cromwell: "A Short but Scandalous Night of Interruption"?', in *Achievements of the Left Hand,* ed. Michael Lieb and John T. Shawcross (Amherst, NJ: University of Massachusetts Press, 1974), pp. 185-218; Blair Worden, 'John Milton and Oliver Cromwell' in *Soldiers, Writers and Statesmen of the English Revolution*, ed. Ian Gentles (Cambridge: Cambridge University Press, 1998), pp. 243-64, and Worden, *Literature and Politics in Cromwellian England* (Oxford: Oxford University Press, 2007), pp. 293-7, 319-23. Others have disagreed, see David Masson, *The Life of John Milton*, 7 vols (London: Macmillan, 1859-1894), V, pp. 577-80; William B. Hunter, 'Milton and Richard Cromwell', *English Language Notes*, 3 (1966), 252-59; Robert T. Fallon 'Milton in the Anarchy, 1659-60: A Question of Consistency', *Studies in English Literature*, 21 (1981), 123-46; Laura Lunger Knoppers, 'Late Political Prose' in *A Companion to Milton*, ed. Thomas N. Corns (Oxford: Blackwell, 2001), pp. 309-25.

[83] David Armitage, 'John Milton: Poet against Empire' in *Milton and Republicanism*, pp. 206-226 (pp. 210-11, 214).

his admiration of two figures decidedly out of favour with the state he was supposedly vindicating.[84] Overton had openly pronounced his trepidations regarding the Protectorate, declaring to Cromwell himself that if he 'perceived his lordship did only design the setting up of himself, and not the good of these nations', he 'could not set one foot before another to serve him'.[85] Overton was even suspected of plotting an insurrection against Cromwell with his troops in Scotland. However, Milton vouches for 'the sweetness of [his] disposition' (p. 676). Bradshaw, the President of the Regicide Court, had denounced Cromwell and the dissolution of the Rump, asserting that 'no power under heaven [could] dissolve [Parliament] but themselves', yet Milton's celebration of his character is profuse.[86] His is 'a name which Liberty herself, wherever she is cherished, has entrusted to eternal memory' (pp. 637-8). Praising Bradshaw as 'an alert defender of liberty and the people', 'an incorruptible judge', '[m]ore tireless than any other in counsel and labor' and 'the most worthy of trust in every kind of fortune' (p. 638), Milton goes as far to suggest that when

> any of his political enemies has returned to his sense, as many indeed have done, no one is more ready to forgive. But if the cause of any victim of oppression needs to be publically defended, if the influence and power of the potentates must be assailed … no man could find Bradshaw … more able and fearless [to pursue] the path of justice. (p. 639)

The ominous qualifier - 'if' - renders Milton's shrewd eulogy into a presaging caution, of which it can only be presumed Cromwell was an intended recipient.

Moreover, Milton's address to the Lord Protector himself is an encomium laden with an underlying circumspection. Of course, in an effort seemingly to emphasise the republic's dependency on Cromwell, Milton extols the leader's distinction amongst men:

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[84] Milton, *Pro Populo Anglicano Defensio Secunda* in *The Complete Prose Works*, IV.
[85] Barbara Taft, 'Overton, Robert (1608/9–1678/9)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/20975, accessed 18 May 2015].
[86] Sean Kelsey, 'Bradshaw, John, Lord Bradshaw (*bap.* 1602, *d.* 1659)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/3201, accessed 18 May 2015].

> Cromwell, we are deserted! You alone remain. On you has fallen the whole burden of our affairs. On you alone they depend. In unison we acknowledge your unexcelled virtue. No one protests save such as … do not understand that there is nothing in human society more pleasing to God, or more agreeable to reason, nothing in the state more just … than the rule of the man most fit to rule. (p. 671)

Milton's forceful repetitions - 'you' / 'your' - insist that there is no escape from culpability. Despite his avowal that 'No one [of consequence] protests' - a statement undercut by his own homages to Bradshaw and Overton - Milton's assertion of the natural law principle that those most competent inherit the right to govern appears more of a plea to live up to the terms of this commendation than an established truth. 'Consider again and again', Milton urges Cromwell, 'how precious a thing is this liberty which you hold, committed to your care, entrusted and commended to you' and '[h]onor this great confidence reposed in you' (p. 673). For if 'the republic should miscarry, so to speak, and as quickly vanish, surely no greater shame and disgrace could befall this country' (p. 673). Cromwell might have declined the crown, 'and rightly so' (p. 672), but in the *Defensio Secunda* the gravity of the potential risks arising from the Protectorate are laid bare. Moreover, the tract does not relent there. Subsequently, in a swift renege upon his former reverence, Milton restates the theory of natural law to remind Cromwell of his own dependence upon his magistrates and the people:

> Certainly you yourself cannot be free without us, for it has so been arranged by nature that he who attacks the liberty of others is himself the first of all to lose his own liberty and learns that he is the very first of all to become a slave. And he deserves this fate. For if the very patron … of liberty, as it were, if that man whom no one has been considered more just, more holy, more excellent, shall afterwards attack that liberty which he himself has defended, such an act must necessarily be dangerous and well-night fatal not only to liberty itself but also to the cause of all virtue and piety. (p. 673)

In Milton's view, nature dictates that tyranny begets slavery, not only upon the nation of people it subjects, but equally for the tyrant himself. He seeks to expose the slavery to one's own covetousness

that hypocrisy cannot hide. For to usurp authority does not result in true freedom; instead, liberty is conditional upon an individual's self-discipline and fidelity to its common cause. As Milton had continuously claimed, the greatest threat to both personal and national liberty came not from any external yoke, but from within. His account of Cromwell's upbringing, lauding his restraint, corroborates this ethos: 'he was a soldier well-versed in self-knowledge, and whatever enemy lay within - vain hopes, fears, desires - he has either previously destroyed within himself or had long since reduced to subjection' (pp. 667-8). Cromwell's military triumphs are as nothing compared with his victory over himself, and long may it continue. '[C]onvince us', he challenges Cromwell,

> that you have been raised by the power of God beyond all other men to this exalted rank ... to be vigilant, to exercise foresight, to refuse no toil, to yield to no allurements of pleasure, to flee from the pomp of wealth and power, these are arduous tasks compared to which war is a mere game. These trials ... require a man ... advised and instructed by all-but-divine inspiration. (p. 674)

Milton now overtly demands, with a tone of stirring zeal, that the Protector prove himself; and, in this task, he declares, Cromwell is accountable and subservient to God himself. Throughout the tract, there seems to be an emphasis on the essential distinction between the deity of God and the 'all-*but*-divine excellence' (p. 668, italics mine) of the Protector, displaying yet another attempt by Milton to assert the kingship of God the author of nature, over all human rulers - not only kings, but also the 'patrons' of liberty themselves. It would be useless if 'when you had subjugated some tribe of idolaters with the help of the true God, you were to worship the gods that you had conquered' (p. 672).

Blair Worden has observed that Cromwell's rule was not merely 'flagrantly unconstitutional', it was 'sinful', and, '[i]n the obloquy that was heaped on Cromwell, the misgovernment of the country was blamed on the misgovernment of his soul'.[87] What Cromwell

[87] Blair Worden, *God's Instruments* (Oxford: Oxford University Press, 2012), p. 300.

illustrated, as Henry Vane reflected, was 'the spirit of man, lusting after the doing of his own will and procuring his own glory more than God's', a 'spirit in direct contrareity to Christs … serving to promote and advance the great … interest of the Devill in the world'.[88] Furthermore, from Vane's perspective, it was this tendency to sin in man, humanity's moral imperfection, which made monarchy so threatening: 'For a rational man to give up his reason and will unto the judgement and will of another … whose judgement and will is not perfectly and unchangeably good and right is unwise and unsafe, and by the law of nature, forbidden'.[89] Only God's will could be trusted in this way. Thus, the only form of dependable government was not a 'single person', but one 'consonant to those pure Principles of mans nature, wherein he was at first created'. In this form, mankind, 'as Brethren partaking of the Spirit of right reason … agree to be subject and yield obedience to the Laws, that are … made amongst them by their own free … consent'.[90] Accordingly, as Vane's admirer Algernon Sidney remarked, Vane broke off [his friendship with Cromwell] as soon as he observ'd Cromwell to aim at the sole power'.[91] Arguably, for Milton too, '[h]ostility to Cromwellian rule … became, with time, hostility to all single rule'.[92] Following the collapse of the Protectorate, when we eventually hear from Milton again in the first edition of *The Readie and Easie Way to Establish a Free Commonwealth, &c* (1659),[93] he recalls the reigns of Oliver and Richard

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[88] Henry Vane, *The Retired Man's Meditations* (1655), 'To the Reader'.
[89] Vane, *The People's Case*, quoted in Margaret Atwood Judson, *The Political thought of Sir Henry Vane, the Younger* (Philadelphia: University of Pennsylvania Press, 1969), p. 33
[90] Vane, *A Needful Corrective or Ballance in Popular Government* (1660), pp. 3–4.
[91] Algernon Sidney, *To all the Worthy Gentlemen who are Duely Chosen* (1656) in C. H. Firth, *The Last Years of The Protectorate 1656–1658*, 2 vols (New York: Longmans, 1909), I, pp. 21–3.
[92] Worden, *God's Instruments*, p. 295.
[93] Milton was not wholly silent during these intervening years in which he was in fact responsible for two publications that suggest a further distancing from the Cromwellian regime. First there appeared *The Cabinet-Council Containing the Cheif Arts of Empire and Mysteries of State* (1658). See Dzelzainis, 'Milton and the Protectorate in 1658' in *Milton and Republicanism*, pp. 181-205, as well as Gordon Campbell and Thomas N. Corns, *John Milton* (Oxford: Oxford University Press, 2008), p. 276 and Paul Stevens, 'Milton's "Renunciation" of Cromwell: The Problem of Raleigh's "Cabinet-Council"', *Modern Philology*, 98:3 (2001), 363-392. The collection's stance on natural law is mixed. It certainly alludes to it as benchmark of justice: 'TYrannical Princes are not advanced by favor, neither doe they trust unto Fortune, but by degrees of Warr, or else by some other indirect meanes do aspire unto greatness; and therein do maintain themselves by all wayes either honest or dishonest, without respect of Justice, Conscience or Law either of Nations or Nature' (p. 10). Yet it also appears to attest to mankind's lack of natural morality: 'The Nature of men is such as will not endevor any thing good, unless they be forced thereunto: for where liberty aboundeth,

Cromwell as 'those unhappie interruptions, which God hath remov'd' (p. 482), and envisages a revitalised future for the newly restored Rump, free from the trappings of government by a single person.[94] Now, it is not simply tyranny but also 'kingship' that is condemned, judged 'by long experience a government unneccessarie, burdensome and dangerous' that had been 'justly and magnanimously abolishd; turning regal bondage into a free Commonwealth' (p. 476).

Any optimism Milton felt, however, was unfounded. When the Rump failed to heed the stipulations outlined in *The Humble Representation and Petition of the officers of the Army to the Parliament* (1659), the officers' patience ran out and (once again) the Rump was dissolved. Expressing his frustration in a letter to a friend, Milton declared it was unconscionable

> that a paid army should for no other cause, thus subdue the supreme power that sett them up. This I say other nations will judge to the sad dishonour of that army ... Certainly if great officers & soldiers of the Holland ... forces should thus sitt in Councell & write from garrison to garrison against their superiors, they might as easily reduce ... the United provinces into like confusion. why do they not ... ? because the light of Nature, the lawes of Humane Society, the reverence of their Magistrates, covenants, engagements, loyalty, allegiance keeps them in awe. How ... dishonourable to the Name of God, that his fear & the power of his knowledge in an Army professing to be his, should not work that obedience, that fidelity to their supreme Magistrates, that levied them, & payed them, which the light of Nature, the lawes of Humane society, convenant & contract, yea common shame works in other Armies.[95]

Despite the intervening Anglo-Dutch wars, once more it is Holland, and its peoples' adherence to 'the light of Nature', that represents the success of a faithful and co-operative republican nation. As the situation deteriorated still further and units within the army began to vie not only with

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there confusion and disorder follow. It is therefore supposed that Hunger and Poverty make men industrious: but good Lawes inforce them to be honest; for if men were of themselves good, then Laws were needless' (p. 102). In October 1658, Milton also published the revised second edition of the 1651 *Pro Populo Anglicano*. The date is again suggestive, for, rather than commemorating Cromwell on the occasion of his death, Milton recalls the original republican project, perhaps tacitly underscoring how far the Protectorate had strayed from the Republic's early ambitions.

[94] Milton, *The Readie and Easie Way to Establish a Free Commonwealth* (1659) in *The Complete Works of John Milton, Vol. VI: Vernacular Regicide and Republican Writings*.

[95] *[A Letter to a Friend, Concerning the Ruptures of Government]* in *The Complete Works of John Milton, Vol. VI: Vernacular Regicide and Republican Writings*, p. 448.

politicians but one another, Milton composed his second edition of *The Ready and Easie Way* (1660), repeating the very same sentiments:

> Where is this goodly tower of a Commonwealth, which the English boasted they would build to overshadow kings, and be another *Rome* in the west? The foundation indeed they laid gallantly; but fell into wors confusion … and have left no memorial of thir work behind them remaining, but in the common laughter of *Europ.* Which must needs redound the more to our shame, if we look to our neighbours the United Provinces … who … courageously, wisely and constantly went through the same work, and are setl'd in all the happie enjoiments of a potent and flourishing Republic to this day. (p. 485)[96]

Conscious of the comparative triumph of the Dutch republic with which he had formerly sought to rally the English nation, Milton voices the humiliation that, having survived the Protectorate, the godly cause appeared to be disintegrating again, and that the Restoration was an impending prospect. Yet Milton offered a last attempt to stay the apocalypse, emphasising an enduring commitment to 'the law of nature … which is the only law of laws truly and properly to all mankinde fundamental; the beginning and end of all Government; to which no Parlament or people that will thoroughly reform, but may and must have recourse' (p. 479). For 'how any man who hath the true principles of justice and religion in him, can presume or take upon him to be a king or lord over his brethren' (p. 491)? Instead, the nation must wait for 'the coming of our true and rightful … King, only worthie as he is our only Saviour, the Messiah, the Christ, the only heir of his eternal father' and 'Universal Lord of all mankind' (p. 503). Until then, the 'way propounded is plane, easie and open before us', 'without the inducement of new or obsolete forms … that would effect nothing' but rather 'manacle the native liberty of mankinde; turning all vertue into prescription' and 'necessitie' (p. 503). More than ever before, Milton implores, the nation must choose the laws of God-given nature before either custom or necessity, appealing to the

[96] Milton, *The Readie and Easie Way to Establish a Free Commonwealth* (1660) in *The Complete Works of John Milton, Vol. VI: Vernacular Regicide and Republican Writings*.

> abundance of sensible and ingenuous men … to bethink themselves a little and consider whether they are rushing; to exhort this torrent also of the people, not to be so impetuos, but … to stay these ruinous proceedings; justly and timely fearing to what a precipice of destruction the deluge of this epidemic madness would hurrie us through the general defection of a misguided and abus'd multitude. (p. 523)

Finally, for Milton, what seems to characterise the cataclysmic breakdown of the republic was 'misguidance', the failure of both those in authority and the people, despite being freely able, to be led by the 'plain' and 'rational' (p. 491) principles within human nature. But a month later, an elected Convention met in April 1660 and voted for the restoration of Charles II, supported, as one royalist diarist put it, 'by that very army, which rebelled against him' - an irony not lost on those still loyal to the Commonwealth.[97]

Yet, as Milton turned away from any obvious participation in political debate, the language of natural law continues to reverberate throughout his later poetry, particularly *Paradise Lost*. Although it has been alleged that Milton 'made a sustained effort … to prevent his poetry from being contaminated by - that is to say, read in the light of - his polemical prose',[98] the consensus dominates that, as David Norbrook puts it, 'far from retiring into political resignation, [through his later poetry] Milton made every effort to intervene in the now-diminished public sphere' of the Restoration.[99] Of course, political philosophy and poetry are two very distinct kinds of discourse, and it is essential to remain alive to the difference between ideas of natural law as they come in discursive prose and what happens to those ideas when transformed in and by verse and narrative. Yet, while to treat *Paradise Lost* as a crude *roman à clef* of seventeenth century history is a reduction of its artistic enterprise, the poem remains nonetheless highly redolent of its immediate context in the ways it dramatises competing conceptions of law and liberty. For, in rendering the story of

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[97] John Evelyn, *The Diary of John Evelyn*, ed. Guy De la Bédoyère (Woodbridge: Boydell, 1995), p. 113.
[98] Annabel Patterson, 'Why is there no Rights Talk in Milton's Poetry?' in *Milton, Rights and Liberties*, eds. Christophe Tournu and Neil Forsyth (Bern: Peter Lang, 2007), pp. 197–212 (p. 202).
[99] David Norbrook, *Writing the English Republic* (Cambridge: Cambridge University Press, 1999), pp. 434, 487.

creation, Milton could hardly have escaped its political resonances. On one hand, the royalists found 'the whole notion of natural right was problematic on biblical grounds', taking Adam's authority as their monarchical prototype[100]. On the other, as we have witnessed from Milton's own prose, 'the Genesis myth ... repeatedly was made to argue social and political reform'.[101] Grotius himself had penned a suggestively republican five-act tragedy of the fall, *Adamus Exul* (1601), 'profuse with references to ... topical dilemmas of obedience ... the right to revolt, and contrasting pledges', not to mention 'Nature'.[102] Following his Dutch predecessor once again, in *Paradise Lost* we also witness Milton's literary engagement with the precepts of natural law that formed the foundations of his political beliefs, as he consistently frames liberty in the language of righteous obedience - not as a coerced or passively compliant virtue, but rather as a voluntary and independently reasoned moral choice.

Book XII, of course, begins with Michael relating to Adam the fate of those born of the 'second source of men' (XII, l. 13), Noah's progeny, who lived in 'peace' (XII, l. 23) with 'regard to what is just and right' (XII, l. 16), until one arose

> Of proud ambitious heart, who not content
> With fair equality, fraternal state,
> Will arrogate dominion undeserved
> Over his brethren, and quite dispossess
> Concord and law of nature from the earth,
> Hunting (and men not beasts shall be his game)
> With war and hostile snare such as refuse

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[100] Victoria Kahn, 'Seventeenth Century debates about the Nation State' in *Early Modern Nationalism and Milton's England*, ed. David Loewenstein and Paul Stevens (Toronto: University of Toronto Press, 2008), pp. 249-272 (p. 256).

[101] Mary Ann Radzinowicz, 'The Politics of *Paradise Lost*' in *Politics of discourse: the literature and history of seventeenth-century England*, ed. Kevin Sharpe and Steve N. Zwicker (Berkeley: University of California Press, 1987), pp. 204-229 (p. 218).

[102] Arthur Eyffinger, 'The Fourth Man: Stoic Tradition in Grotian Drama', *Grotiana* 22:1 (2004), pp. 117-56 (p. 128). While Grotius' drama has long been recognized as a prototype for *Paradise Lost*, relatively little attention has been paid to the substantial connections between the poems. See J. M. Evans, *Paradise Lost and the Genesis Tradition* (Oxford: Clarendon Press, 1968) and for other poetic links between the authors: Russell M. Hillier, 'Grotius's Christus Patiens and Milton's Samson Agonistes', *The Explicator* (2006) 65:1, 9-13 and Joseph Wittreich, 'Still Nearly Anonymous: Christos Paschon', *Milton Quarterly* (2002) 36:3, 193-198.

> Subjection to his empire tyrannous:
> A mighty hunter thence he shall be styled
> Before the Lord, as in despite of heaven,
> Or from heaven claiming second sovereignty;
> And from rebellion shall derive his name,
> Though of rebellion others he accuse.
> He with a crew, whom like ambition joins
> [...] cast to build
> A city and tower, whose top may reach to heaven;
> And get themselves a name, least far dispersed
> In foreign lands their memory be lost,
> Regardless whether good or evil fame. (XII, ll. 24-47)[103]

Here, just as the enjambment of Milton's syntax disregards the constraints of the lines, Nimrod's rule unlawfully supersedes the naturally equal brotherhood of mankind, the 'fraternal state' of agreed amity, which formed the basis of Cicero, Grotius and Milton's political philosophy. Grotius himself had declared, '*Ambition*' was the 'Vice', which 'tended most to disunite Men ... whereof the Tower of *Babel* is a Proof' (*DJB*, p. 145). It inaugurates a hierarchy that is a 'Seige and defiance' (XII, l. 74) against the decree of both God and nature, whereby 'human [is] left from human free' (XII, l. 71). For, much as we saw from Milton's prose, the justification for resistance to a tyrant, who disregards the morality of 'good or evil', is rooted in humanity's subservience to this moral law. Yet, Milton's repetitions - 'rebellion'- also highlight the contest to define the vocabulary of political authority, where, in the 'hideous gabble' (XII, l. 56) of linguistic 'confusion' (XII, l. 62) that arose as God's punishment for Nimrod's overreaching, one man's idea of dutiful responsibility was another's revolt.

Adam's instinctive response to Michael's history is one of rebuke: 'O execrable son so to aspire / Above his brethren ... authority usurped, from God not given' (XII, ll. 64-66). Michael concurs and continues to impress upon Adam the need to maintain 'rational liberty' (XII, l. 82), the focal tenet of republican natural law theory:

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[103] Milton, *Paradise Lost*, ed. Alastair Fowler, rev. 2nd ed. (Abingdon, Oxon: Routledge, 2007). All references are to this edition.

> Since thy original lapse, true liberty
> Is lost, which always with right reason dwells
> Twinned, and from her hath no dividual being:
> Reason in man obscured, or not obeyed,
> Immediately inordinate desires
> And upstart passions catch the government
> From reason, and to servitude reduce
> Man till then free. (XII, ll. 83-90)

That the fall incurred a loss of liberty appears incontrovertible, yet Milton retains an ambiguity regarding the extent of this bereavement and the possibility of its recovery through right reason. Is it 'obscured' or simply 'not obeyed'? Either way, Michael does not discharge humanity of its responsibility to control any 'upstart passions' and salvage their autonomy. For to allow such 'unworthy Powers to reign / Over free reason' has an accompanying penalty:

> ... God in judgement just
> Subjects him from without to violent Lords;
> Who oft as undeservedly enthral
> His outward freedom: tyranny must be,
> Though to the tyrant thereby no excuse.
> Yet sometimes nations will decline so low
> From virtue, which is reason, that no wrong,
> But justice, and some fatal curse annext
> Deprives them of their outward liberty,
> Their inward lost. (XII, ll. 92-101)

In *Paradise Lost* then, natural law appears to function repeatedly (*pace* Cicero, Grotius and Milton) as a retributive form of justice. Here, in Michael's view, to tolerate tyranny is a sin embedded with its own sentence, 'fatal' but only owing to humanity's failure to employ God-given reason. As Milton proclaimed in *Defensio Secunda*:

> Just as to be free is precisely the same as to be pious, wise, just and temperate, ... magnanimous and brave, so to be the opposite of these qualities is the same as to be a slave. And by the ... just retaliation of God, it happens that a nation which cannot govern and rule itself, but has delivered itself into slavery by its own lusts, is enslaved

> also to other masters whom it does not choose, and serves not only voluntarily but also against its will. (p. 684)

Sharon Achinstein has commented that in 'Milton's view, persecution and slavery were part of the greater story of providence'.[104] If a nation failed to live up to the freedom God had granted mankind, divine dispensation ensured the transgression was requited. Within the poem's central narrative, Adam and Eve's expulsion from Eden is also depicted as a just and impartial punishment. William Empson, of course, famously condemned 'the harsh Old Testament figure' that was Milton's God.[105] However, just as the God of *Paradise Lost* has no authority over what man will 'judge' or 'choose' - for to do so would be to 'change / Their nature' and 'and revoke the high decree /unchangeable, eternal, which ordained / Their freedom' - he also testifies to the inexorability of the consequences of that choice: 'longer in that Paradise to dwell, / The Law I gave to Nature him forbids' (XI, ll. 48-49). God is not a tyrant whose will overrides his moral obligations or accountability, and natural law is depicted as a rational ruling that even an omnipotent deity must uphold.

God is not the only figure in the poem claiming to bequeath freedom. Satan depicts himself as the 'Patron of liberty' (IV, l. 958), God's equal 'In nature' (VI, l. 442), uprising against 'the tyranny of heaven' (I, l. 124):

> Who can in reason then or right assume
> Monarchy over such as live by right
> His equals, if in power and splendour less,
> In freedom equal? (V, l. 797)

However, Gabriel swiftly unmasks the hypocrisy of Milton's villain who once 'fawned, and cringed, and servilely adored / Heaven's awful Monarch', and now acts with 'monarchal pride', 'in hope /

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[104] Sharon Achinstein, *Literature and Dissent in Milton's England* (Cambridge: Cambridge University Press, 2003), p. 126
[105] William Empson, *Milton's God* (London: Chatto & Windus, 1961), pp. 142, 146.

To dispossess him, and … reign' (IV, l. 959-61) in his stead. Milton's constant veering between the monarchical and republican colourings in his portrayal of Satan seems designed to perplex the reader as much as Milton himself had been challenged by the transformation from Republic to Protectorate to restored monarchy. However, it is manifest that Satan's ostensibly Miltonic republicanism conceals a resentment of any form of regulation that might impinge upon his will, which drastically opposes the juristic politics of his literary creator. He wishes to live 'Free and to none accountable' (II, l. 225), for who 'can introduce / Law and edict on us' (V, l. 797-98)? This, as Milton and his predecessors had repeatedly asserted, was licence and not liberty. But for Satan (unlike Milton) self-government is not an end in itself; as he discloses to his allies, their regime serves a putatively higher end - they have been found 'worthy not of liberty alone, / Too mean pretence, but what we more affect, / Honour, dominion, glory, and renown' (VI, l. 420-22). Milton's Satan is not then a virtuous republican obedient to the laws of nature and reason; instead, he appears driven by irrational 'affect' and vested with a distinctly Machiavellian (or, as one might choose to infer, Cromwellian) outlook, prepared to disregard morality and deploy any argument that will promote the attainment of his 'glory sole' (IX, l. 135). He claims to be politically bound to enter Eden - 'public reason just, … compels me now / To do what else though damned I should abhor' (IV, l. 389-92) - yet 'necessity' (IV, l. 393), as Milton was only too aware, is but 'The tyrants plea' (IV, l. 394). The choice to remain obedient to moral laws is always available, and to do so is not to live under the 'easy yoke / Of servile pomp' (II, l. 256-57). As Abdiel avows in God's defence,

> Unjustly thou deprav'st it with the name
> Of servitude to serve whom God ordains,
> Or nature; God and nature bid the same,
> When he who rules is worthiest, and excels
> Them whom he governs. This is servitude,
> To serve the unwise, or him who hath rebelled
> Against his worthier, as thine now serve thee,
> Thyself not free, but to thyself enthralled. (VI, l. 174-181)

As Grotius' Adam also puts it, 'Service to God Almighty is the highest freedom' ('Servire magno est summa libertas Deo').[106] Revealing (once again) the poem's preoccupation with the slipperiness of the discourse of power, Abdiel appears to be seeking to provide clarity regarding a politically loaded term - 'serve' - that retains fidelity to the philosophy of natural law provided in Milton's polemical tracts. He 'who rules is worthiest'; thus, while Satan is by 'sense of injured merit … raised', Christ, whose self-sacrifice was a superlative act (as Grotius deemed it) 'not of strict Justice but of Charity' (*DJB*, p. 500), by 'right of merit reigns'. Therefore, to negate his authority, as Michael affirms, is to 'refuse' the 'law' of nature and 'Right reason' that (for Milton at least) defined both Christian and republican liberty.

Ultimately then, this chapter has sought to demonstrate that natural law and rights were a crucial and consistent presence in Milton's political thinking, which survived throughout the practical turbulence of the Civil War and into the Restoration. Furthermore, it has suggested that at least some of the arguments deployed to advocate the establishment of republican states in early modern Europe were not mediated through Machiavelli to the neglect of ethical considerations. For the precepts of natural law advocated by Cicero and Grotius were, in Milton's view, more compelling than Machiavellian scepticism and 'reason of state'. They provided a political philosophy that justified the establishment of the republic and the defence of civil rights within a framework of reason and godliness, offering legitimacy to society and sovereignty on moral grounds.

[106] Grotius, *Adamus Exul* in *The Celestial Cycle*, ed. Watson Kirkconnell (Toronto: University of Toronto Press, 1952), pp. 96-220.

2

Our Natural Liege Lord: Subjects, Sons and Succession

If the restored monarchy thought that the act of 'oblivion' passed in 1660 would erase the memory of the 1640s and 1650s, it was mistaken. The legislation encouraged a willing forgetfulness of former events, making it illegal for 'anyone malitiously to call or alledge of, or object against any other person or persons, any name or names, or other words of reproach any way tending to revive the memory of the late Differences'.[107] Dryden, too, proclaimed the restoration as a return to political and spiritual tranquillity: 'At home the hateful names of Parties cease / And factious Souls are weary'd into peace'. However, it proved but a temporary 'opiate' to a 'hot, distemper'd' population, which appeared increasingly plagued by the threat of renewed civil disorder.[108] As Blair Worden has written, in 'the later seventeenth century the divisions of the civil wars persisted', cementing a 'polarization of the nation', which is perhaps the 'largest and longest legacy of the conflict'.[109]

It could be said that this resurfacing of political tension was to be expected. For, while it was unequivocal that the monarchy had been re-established in the spring of 1660, the constitutional settlement worked out in the Convention and Cavalier Parliaments was tacitly ambiguous as to the

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[107] *An Act of Free and General Pardon, Indemnity, and Oblivion* (1660)
[108] John Dryden, *Absalom and Achitophel* in *The Poems of John Dryden*, eds. Paul Hammond and David Hopkins, 5 vols (Harlow: Pearson Education Limited, 1995–2005), II, Preface.
[109] Blair Worden, *Roundhead Reputations* (London: Allen Lane, 2001), p. 3.

scope of the restored Crown's prerogative. As a consequence, there remained plenty of room for dispute as to whether the king was absolute, or shared his sovereignty with the two Houses, as well as the extent to which he was bound (and could be constrained) by law. Within twenty years of Charles II's reign, the fragility of the restoration settlement was exposed by a crisis surrounding the issue of whether Parliament could adjust the line of succession in order to prevent the heirless Charles' inconveniently Catholic brother James, the Duke of York, from assuming the throne. Concern around the possibility of a Catholic king was exacerbated by Titus Oates' revelations, in the late summer of 1678, of a Popish Plot to kill the king and massacre his subjects. As one commentator put it, the plot 'had so perfect an air of the fabulous reports which preceeded the late Revolution, that those who remember'd it, thought themselves gon back to forty one … all people's ears were fill'd with dismall rumours of a design to kill the King, and subvert the Government to bring in Popery and Arbitrary Power'.[110]

The difficulty was more than mass hysteria at the prospect of James' possible succession. At the heart of the issue were the ideological questions regarding the rights and powers of the king, his parliament, and the people that had been left unsettled after the Interregnum. These issues had been threatening to resurface throughout Charles' reign, but gained particular traction from the mid-1670s in response to concerns of a drift towards absolutism within the court. In his indictment of Charles' record, Andrew Marvell alleged there had long since been a conspiracy 'to change the lawful Government of England into an Absolute Tyranny' - 'What *French* Counsell, what standing Forces, what Parliamentary Bribes … and all the other Machinations of wicked men' could not be witnessed?[111] For, as Tim Harris has written, the Exclusion Crisis was as much about the present as the future, drawing anxieties over both 'Charles II's style of government' and 'the current

[110] David Jones, *Life of James II* (1702), I, p. 515.
[111] Andrew Marvell, *An Account of the Growth of Popery and Arbitrary Government in England* in *The Prose Works of Andrew Marvell*, ed. Martin Dzelzainis et al., 2 vols (New Haven: Yale University Press, 2003), II, pp. 225, 291.

international situation' (particularly the aggressively expansionist policies of the French king, Louis XIV) together alongside the imagined fears of life under a popish monarch.[112]

Exploiting the mood of public alarm, in three successive Parliaments in 1679, 1680, and 1681 - repeatedly dissolved by Charles - a pressure group of parliamentarians put forward a bill to exclude James, and, in so doing, champion the cause of civic sovereignty. Various replacement heirs were suggested from the King's illegitimate son, the Duke of Monmouth, to James' own daughter Mary and her husband, William of Orange. However, to use the testimony of the Earl of Shaftesbury (the group's principal co-ordinator), the aim of their campaign was to establish that 'The Parliament of England is that Supreme and absolute Power, which gives Life and Motion to the English Government'.[113] The Whigs, as the group came to be known, deployed a wide range of arguments to justify parliament's supremacy and their right to alter the succession – and especially (although not exclusively) amongst the more radical factions, these arguments were grounded in an appeal to natural law.

It was an appeal, moreover, which revived (albeit in an ostensibly more moderate framework) many of the principles advocated by their republican predecessors.[114] As Harris has observed, while 'some historians have been dismissive of their [the Whigs] credentials as being either a radical or a populist party', seeing them largely as a constitutionally conservative collective, 'the radicalism of the first Whigs is to be found less in their advocacy of specific constitutional reforms, and more in their use of the natural law tradition to criticise duly constituted authority'.[115] The way that the Whigs of the Exclusion came to articulate their case - however carefully they circumscribed their claims - was nevertheless deeply subversive, involving, as it did, a denial of conventional notions of divine-right monarchy, and implying instead that the king was beneath the

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[112] Tim Harris, *Restoration* (London: Allen Lane, 2005), p. 139.
[113] Shaftesbury, *Some Observations Concerning the Regulating of Elections for Parliament* (1689), p. 5.
[114] This is not to suggest that there existed a homogenous equivalence between groupings, which were themselves neither stable nor consistent entities, but rather to illuminate a conceptual continuity vividly apparent to contemporary audiences.
[115] Harris, *Politics under the Later Stuarts* (London: Longman, 1993), p. 90.

law, accountable to parliament, and that the safety and consent of the people was paramount. In outlining their various versions of these arguments, the writers of Whig political philosophy - particularly those less compromising in their outlook - were (like Milton) influenced by Grotius' theory of natural jurisprudence: most notably, his ideas of governmental contract and the rights to punish and resist. Certainly, if the previous chapter demonstrated Grotius's importance during the civil wars and the Interregnum, Michael P. Zuckert has claimed that in the post Restoration context Grotius became an 'overwhelming force', leading 'to the conclusion ... in the second half of the seventeenth century that he was "the master of Whig thought"'.[116]

Thomas Hunt, for instance, the lawyer turned polemicist and 'infamous hero' of the Whig cause, sought to reframe and restrict the notion of divine right through an appeal to the supreme authority of nature, which, while it condoned civil society, left mankind free to dictate its structure.[117] '[Y]ea God commands us in our Nature, to form ourselves into Governments' (p. 8), Hunt writes, for as 'it makes men equal and reasonable, just and peaceable' so 'it seems to be the most Principle Institution and Appointment of God in Nature ... recommended to us by all that which conduces to our happiness' (p. 8).[118] For this reason, 'Kings and Governors [are] said to have their Authority from God' (p. 8). However, Hunt continues, 'the forms of Government, the persons of the Governors, the Order of Succession, their respective Powers and Ministrys are of Mans appointment'. Moreover, as governments 'must comply with the safety of the people', they 'were never intended unalterable' in the face of unforeseen 'contingencies in Human Affairs' (p. 8). '[W]ho ever would have thought', cries Hunt, that the

> beneficent instinct in Nature, planted by God the Father of us all, for propagating educating and improving humane Nature, should ever be made use of to found a Right of Tyranny, and Arbitrary domination, the greatest destroyer and depraver of Mankind. (p. 5)

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[116] Zuckert, *Natural Rights and the New Republicanism*, p. 104.
[117] See Melinda S. Zook, *Radical Whigs and Conspiratorial politics in Late Stuart England* (University Park: Pennsylvania State University Press, 1999), p. 39 ff.
[118] Thomas Hunt, *The Great and Weighty Considerations Relating to the Duke of York* (1680).

For Hunt, the Crown's present stance on the exclusion was an exploitation of man's natural sociability, a negation of the people's right to determine their own government, and a threat to the welfare of the nation. He reminds his readers that, according to Grotius, 'by an authority derived from God and Nature' such circumstances furnished Parliament with a right to forcibly resist their monarch:

> if any Prince undertakes to alienate his Kingdom ... or that really acts the Destruction or the Universal calamity of his People ... Grotius thinks that in his utmost extremity, the use of a defence, as a last refuge *ultimo necessitatis presidio* is not to be condemned, provided the care of the Common good be preserved. (p. 6)

In this light, an Exclusion Bill looked like a positively restrained reaction: 'what unreasonableness is there then in shutting the door upon him, and making it fast against him by an act of State, who hath excluded himself by his principles and designs' (p. 15).[119] It has been claimed that (alongside Grotius) Hunt, like many other Whigs, also drew 'unacknowledged support from Milton's attacks on sacerdotal kingship' when writing his polemics.[120] Such was certainly perceived to be the case by his contemporaries. As L'Estrange noted, Hunt is but 'an Empty Talking *Plagiary*' who has only '*Lickt up the Vomit* ... of that *Execrable Defender* of your *Sovereigns* Murder'; if 'he had put only THOMAS to his Books; and left the reader to supply his Surname, it should have been ... Milton'.[121] Dryden was no more impressed with this '*magni nominis umbra*' (shadow of a great name), swearing Hunt to be 'the most ignorant, incoherent scribbler of the whole party' and utterly 'cracked'.

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[119] Hunt, *Mr. Hunt's Postscript* (1682), p. 45.
[120] Barbara Kiefer Lewalski, *The Life of John Milton* (Oxford: Blackwell, 2000), p. 541. See also George Sensabaugh, *That Grand Whig, Milton* (Stanford: Stanford University Press, 1952), chp. 1 and 2.
[121] Roger L'Estrange, *Observator* (1) no.s 274-7, 283 (18 January – 19 February 1683), pp. 77-8.

Although Dryden did vouch that if Hunt (who by this time had absconded to Holland) 'should return to England', he was 'charitable enough to wish his only prison might be bedlam'.[122]

Algernon Sidney was another Whig activist whose use of natural law language displays a debt to both Grotius and Milton. Sidney penned an account of nature's original laws that was steeped in commonwealth sentiments and aimed not only at vindicating the Bill of Exclusion, but also curtailing the extent of the king's prerogative. '[A]ccording to the Laws of God and Nature, all [men are] free' (p. 22), Sidney claimed, and 'no man is or can be a Lord amongst us, till we make him so [as] ... by nature we are all Brethren' (p. 26).[123] For - Sidney goes on to cite his Dutch predecessor explicitly -

> Grotius shews that ... God having from the beginning ordained that men should not live ... every man by himself, but together in Civil Societies, left to every one a liberty of joyning with that Society which best pleas'd him, and to every Society to create such Magistrates, and frame such Laws as should seem most conducing to their own good, according to the measure of light and reason they might have. (p. 294)

Thus 'there is no such thing in nature; and Nations can owe nothing to Kings merely as Kings, but what they owe by the Contract made with them' (p. 268). Even when a contract has taken place, Sidney utilises Grotius' authority to testify to the shared distribution of power within the state. As 'Grotius speaks, where the King has his part ... the Senat or People [also have] their part of the Supreme Authority' (p. 236). As such, the limitations Parliament sought to place upon the Crown were entirely within their remit. Should Charles attempt to rule without parliament altogether, Sidney was clear that such an act would constitute an infraction against Parliament's (and the people's) legitimate share in the governance of the nation. For 'the whole power of calling and dissolving Parliaments', Sidney insists, is not 'an inherent, but a delegated Power' bestowed upon a

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[122] Dryden, *Vindication of the Duke of Guise* in *The Works of John Dryden*, ed. H.T. Swedenberg, et al., 20 vols (Berkeley: California Press, 1956-2002), XIV, p. 342. See also, Phillip Harth, *Pen for a party: Dryden's Tory Propaganda in its Contexts* (Princeton: Princeton University Press, 1993), pp. 188-95.
[123] Algernon Sidney, *Discourses Concerning Government* (1698). All references are to this edition.

king by his subjects, 'and whoever receives it, is accountable to those that gave it' (p. 422). Besides, 'as Grotius says, Qui dat finem, dat media ad finem necessaria [He who provides the end provides the means necessary to the end]. The only reason why Parliaments do meet, is to provide for the publick good; and they by Law ought to meet for that end' (p. 422). The King's calling and consultation of Parliament was both his duty to the people and a legal imperative grounded in the moral principles of nature.

Regarding the case for excluding the Duke of York, Sidney is adamant that just as all present kings must 'have received their Right from the People ... their Successors fall under the same condition' (p. 88). In selecting an heir, 'Vertue only gives a natural preference of one man above another, or reason why one should be chosen rather than another' (p. 59) - 'a Truth ... acknowledged so to be by all that have hearkned to the voice of Nature, and disapproved by none, but such as ... have degenerated into the worst of beasts' (p. 59). If through custom

> Mankind could be brought to believe that such a right of Dominion were ... hereditary, a great number of the most destructive and inextricable Controversies must thereupon arise, which ... Nature, which is reason, can never intend. (p. 45)

Consequently, if the country should fall into the hands of the Popish successor - who was doubtless intent upon bringing the nation into jeopardy - Sidney (like Hunt) alerts his readers once more to 'Grotius', who

> amongst other reasons that in his opinion justify Subjects in taking arms against their Princes ... alledges this, propter immanem saevitiam [on account of their great savagery], and quando Rex in Populi exitium fertur [when the king hastens to the ruin of his people]. (p. 211)

This was irrefutable, as the 'safety of Nations', Sidney vouches, is 'the end for which Governments are instituted', and those who 'take upon them to govern, by what Title soever, are by the Law of Nature bound to procure it; and ... to preserve the Lives, Lands, Liberties and Goods of every one

of their Subjects' (p. 320). Whereas 'he that upon any title whatsoever pretends, assumes, or exercises a power of disposing of them according to his will, violates the Laws of Nature in the highest degree' (p. 320), and might himself be disposed of accordingly. Although no overt reference is made, it has not gone unnoticed by scholars of both English literature and political thought that alongside Grotius, '[n]o theorist is closer to Sidney than Milton'.[124]

However, while it might be said that Hunt and Sidney only demonstrate the views of a small (though vocal) circle of radicals amongst the Whig collaboration, it was Shaftesbury's own personal propagandist, John Locke, who provided 'the most complete, systematic, and philosophically sophisticated defence of Whig political principles'.[125] Yet Locke shared with both Hunt and Sidney 'the common ground of Grotian natural law theory', a parallel that reveals Locke's links to republican traditions of argument, of which Milton provides a discernible example.[126] As Peter Laslett has written, '[t]he resemblance between Locke's final political doctrines and those of the English radicals writing and acting between 1640 and 1660 is … so close in some respects that direct influence would seem obvious'.[127] Like Milton (drawing upon Grotius), Locke testifies that 'the Law of Nature [is] plain and intelligible to all rational Creatures' (II, 124). It is an unwritten law, 'and so no where to be found but in the minds of Men' (II, 136), but it is nevertheless plain to all because a man's knowledge of it *'is grounded on* his having *Reason*, which is able to instruct him in that Law he is to govern himself by' (II, 63). As for its content, the law of nature prescribes 'the peace and *preservation of all mankind*', teaching 'that being all *equal and independent*, no one ought to harm another in his life, health, liberty, or possessions' (II, 7).

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[124] Scott, *Algernon Sidney and the English Republic 1623-1677* (Cambridge: Cambridge University Press, 1988), p. 106

[125] A. John Simmons, 'John Locke's Two Treatises of Government' in *The Oxford Handbook of British Philosophy in the Seventeenth Century*, ed. Peter R. Anstey (Oxford: Oxford University Press, 2013), pp. 542-62 (p. 542).

[126] Scott, *Commonwealth Principles*, p. 124.

[127] Peter Laslett, ed., 'Introduction' in John Locke, *Two Treatise of Government* (Cambridge: Cambridge University Press, 1988), p. 21. All references to Locke's *Two Treatise* are to this edition.

These ideas, strongly reminiscent of both Grotius and Milton, feed into Locke's emphasis on the condition of human society before the establishment of civic authority, dubbed in the *Two Treatises* (1689) the 'state of nature'. According to Locke, in this state man is governed only by natural law. Furthermore,

> that all men may be restrained from invading others rights, and from doing hurt to one another ... the *execution* of the law of nature is ... put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree, as may hinder its violation. (II, 7)

For, 'in transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity ... and so he becomes dangerous to mankind' (II, 8). Yet, in Locke's view, the state of nature was not a wholly enviable state. While he concurred with Grotius that civil governments were a construct that could only be '*made by the consent of the people*', it was not the purely benevolent aims of human sociability that initiated the creation of political society, but rather the need to provide 'proper remedy for the inconveniencies of the state of nature ... where men may be judges in their own case' (II, 2). Only one form of government belied such a rule: absolute monarchy. As Locke declares disdainfully:

> *absolute monarchs* are but men; and ... I desire to know what kind of government that is, and how much better it is than the state of nature, where one man, commanding a multitude, has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases, without the least liberty to any one to question or controul those who execute his pleasure? (II, 13)

Whatever legal prerogative Charles might constitutionally claim, the supra-judicial rules of nature evinced that no king could assert himself supreme. For the 'obligations of the law of nature', Locke continues, 'cease not in society' (II, 135). They stand 'as an eternal rule to all men, *legislators* as well as others', and the '*freedom* from absolute, arbitrary power, is so necessary to, and closely joined with

a man's preservation, that he ... *cannot,* by compact, or his own consent, *enslave himself* to any one' (II, 135).

Within all legitimate governments, the legislative body (in other words, Parliament) is set up and 'directed to no other *end,* but the *peace, safety,* and *public good* of the people' (II, 131), such 'are the *bounds* which the trust, that is put in them by the society, and the law of God and nature, have *set to the legislative* power of every commonwealth' (II, 142). Even in a monarchical structure, 'where the *legislative* is not always in being, and the *executive* is vested in a single person, who has also a share in the legislative' (II, 151), Locke insists,

> tho' oaths of allegiance and fealty are taken to him, it is not to him as supreme legislator, but as supreme executor of the law, made by a joint power of him with others; allegiance being nothing but an obedience according to law, which when he violates, he has no right to obedience. (II, 151)

Depersonalising any sworn fidelity to the Crown as merely a commitment to the law, Locke's theory refuted any notion of the people's obligation towards Charles. Especially, Locke goes on, 'if the executive power, being possessed of the force of the common-wealth, shall make use of that force to hinder the *meeting* and *acting of the legislative,* when the original constitution, or the public exigencies require it ... [the people] have a right to *reinstate* their *legislative in the exercise* of their power' (II, 155). Like Sidney, Locke stipulates that the calling of parliament was a pre-requisite. As for its independence, 'the people shall chuse their *representatives upon* just and undeniably *equal measures*' (II, 158). Throughout the *Two Treatise*, the practical ramifications of Locke's allegedly abstract theory display its links to the politics of the exclusion, offering an interpretation of monarchy where the 'prerogative' - that power of discretion left to the executive - '*is nothing but the power of doing public good without a rule*' (II, 166). Moreover, if any ruler were to betray these limitations, and, despite any protestations to the contrary, seek only the 'the satisfaction of his own

ambition, revenge, covetousness, or any other irregular passion' (II, 199), Locke is at his most rhetorical in launching his riposte:

> if all the world shall observe pretences of one kind, and actions of another; arts used to elude the law, and the trust of prerogative ... employed contrary to the end for which it was given ... if they see several experiments made of arbitrary power, and that religion underhand favoured, (tho' publicly proclaimed against) which is readiest to introduce it ... how can a man any more hinder himself from being persuaded in his own mind, which way things are going; or from casting about how to save himself, than he could from believing the captain of the ship he was in, was carrying him, and the rest of the company, to *Algiers,* when he found him always steering that course, though cross winds, leaks in his ship, and want of men and provisions did often force him to turn his course another way for some time, which he steadily returned to again, as soon as the wind, weather, and other circumstances would let him? (II, 210)

At the point of greatest significance and controversy, Locke's philosophy becomes distinctly figurative, the accumulating chain of 'hypothetical' circumstances amplifying into a metaphorical life or death scenario, in which the consequence of submission is the slave market. The question mark is redundant.

In such a case, the actions of the prince constituted 'the dissolution of government', whereby 'the people are at liberty to provide for themselves, by erecting a new legislative, differing from the other, by the change of persons, or form, or both, as they shall find it most for their safety and good', for '*society* can never, by the fault of another, lose the native and original right it has to preserve itself' (II, 220). Adding to this, Locke pre-empts the hostile reactions of those loyal to the crown - 'it will be said, this *hypothesis* lays a *ferment for* frequent *rebellion*' (II, 224) - and, like his republican predecessors, seeks to reverse the charges of rebellion. It is, Locke claims, '*this doctrine* of a power in the people of providing for their safety a-new, by a new legislative, when their legislators have acted contrary to their trust, by invading their property, [that] is *the best fence against rebellion*'. For '*rebellion* being an opposition, not to persons, but authority, which is founded only in the constitutions and laws of the government', those 'who are in power', 'who by force break through,

and by force justify their violation of them, are truly and properly *rebels*' (II, 226). Evoking Milton's favourite formula, Locke avows that in this matter,

> *The people shall be judge;* for who shall be *judge* whether his trustee or deputy acts well, and according to the trust reposed in him, but he who deputes him, and must, by having deputed him, have still a power to discard him, when he fails in his trust? If this be reasonable in particular cases of private men, why should it be otherwise in that of the greatest moment, where the welfare of millions is concerned, and also where the evil, if not prevented, is greater, and the redress very difficult, dear, and dangerous? (II, 240)

Once again, Locke appeals to the individual reason bestowed by nature upon every man as the benchmark for justice.

The Tory Response: 'He's King Compleat By Nature's Justest Law'

If the first section of this chapter has detailed the resurgence of radical natural law arguments in the writings of those who sought to contest the conduct of the Crown during the 1670s and 80s, it cannot be said that the Whigs enjoyed a monopoly over the jurisprudence of nature. While natural law could be used to critique and destabilise the established social order, it could be just as readily mobilised by those who sought to guarantee the permanence of the *status quo*. This tension or contradiction within the political interpretation of natural law has perhaps always existed. In his seminal study, *The Natural Law*, Heinrich Rommen declared it 'a remarkable fact' that since its inception 'a distinction came to light … between two conceptions of the natural law'. On one hand, 'the idea of a revolutionary and individualistic natural law … bound up with the conception of the state as a social unit which rests upon free contract'; on the other, 'the idea of natural law grounded in metaphysics … that does not exist before the "laws", but lives and ought to live in them – a natural law which one would … style conservative'.[128] For the Tories of the seventeenth century,

[128] Heinrich Albert Rommen, *The Natural Law* (St. Louis: Herder, 1947), p. 5.

this meant an ideology which could be exercised to uphold, vindicate and make absolute the positive laws and customs that decreed the authority of the monarch and his rightful successor. The law of nature had been a crucial concept for royalists throughout the Stuart dynasty. We often speak of such advocates as adherents of 'The Divine Right of Kings'; however, as J. P. Sommerville has observed, the term is something of a misnomer. While the defenders of monarchical sovereignty believed its powers derived directly from God, 'they believed these powers arose not in some mysterious supernatural way, but as a consequence of human nature', and that 'it was not upon the revealed will of God … but upon the law of nature, inscribed in the heart of everyone and discoverable by reason, that government was based'.[129] These were precisely the views that came to characterise Tory arguments against the Exclusion Bill and its threat to the royal prerogative.

The chief spokesman for the Tory propaganda campaign was Robert Filmer - erstwhile critic of Grotius and Milton, and the target of Hunt's, Sidney's, and Locke's attacks. Of course, Filmer himself was long since deceased. However, the posthumous publication of his political output - *Patriarcha* (1680), in particular - was the result of a conscious attempt to present the monarchy in a stronger light in the midst of the crisis of the 1680s, redefining the law of nature to favour the Tories' own ideology. Writing originally in the late 1620s to reinforce kingship during another Caroline crisis, Filmer had decried the notion of civil sovereignty as against 'the very principles of the law of nature' (p. 3).[130] It was, in his view, merely a 'desperate assertion whereby kings are made subject to the censures and deprivations of their subjects', and all a consequence of that 'first erroneous principle' of 'the supposed natural equality and freedom of mankind', without which 'the whole fabrick of this vast engine of popular sedition would drop down of itself' (p. 3). Seeking instead to 'confirm [the] natural right of regal power' (p. 11), Filmer outlined a theory of natural law based on a patriarchal model.[131] For 'we find in the decalogue, that the law which

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[129] J. P. Sommerville, *Royalists and Patriots* (London; Longman, 1999), p. 13.
[130] Filmer, *Patriarchia and Other Writings.*
[131] See Gordon Schochet, *Patriarchalism in Political Thought* (Oxford: Blackwell, 1975).

enjoyns obedience to kings, is delivered in the terms of honour thy father'. And, as 'obedience to parents be immediately due by a natural law',

> If we compare the natural rights of a father with those of a king, we find them all one ... as the father over one family, so the king as father over many families extends his care to preserve, feed, cloth, instruct and defend the whole commonwealth. (pp. 11-12)

Domestic and political structures are, in Filmer's eyes, synonymous: subjects, like sons, being inherently subordinate to the 'natural and fatherly power of kings' (p. 34). Such had, Filmer claimed, always been the case, manifested in nature at God's own behest:

> creation made man prince of his posterity. And indeed not only Adam, but the succeeding patriarchs had, by right of father-hood, royal authority over their children ... and this subjection of children being the fountain of all regal authority, by the ordination of god himself; it follows, that civil power not only in general is by divine institution, but even the assignment of it specifically to the eldest parents. (p. 6)

Moreover, 'this lordship which Adam by command had over the whole world, and by right descending from him the patriarchs did enjoy, was as large and ample as the absolutest dominion of any monarch' (p. 7).

It was not only scripture that confirmed this analysis, Filmer assures his readers; even infidels acknowledged the native truth of monarchical authority. Aristotle, for one, never 'so much as dreamt of a social contract amongst people' (p.253), and the 'main principle of his own *Politics* ... is that some men are born slaves by nature - which quite contradicts the position that all men are born equal and free' (p. 250). In fact, he 'hath so much good manners, as to confess in right down words, that monarchy is the ... first, the natural, and the divinest form of government; and that the gods themselves did live under a monarchy' - 'What can a Heathen say more?' (p. 24). Continuing to solicit this ancient authority, Filmer declares that Aristotle too 'clearly deliver[s] his own opinion, that the power of government did originally arise from the right of fatherhood' (p. 14):

> the first society (saith he) made of many houses is a village, which seems most naturally to be a colony of families or foster brethren of children and childrens children. And therefore at the beginning, cities were under the government of kings, for the eldest in every house is king: and so for kindred sake it is in colonies. (p. 14)

According to Filmer then, historical evidence from both Christian and classical sources provided the proof of nature's desired hierarchy: 'if then the fatherhood enjoyed this authority for so many ages by the law of nature, when was it lost or when forfeited, or how is it devolved to the liberty of the multitude?' (p. 13). To break from the traditional social order was a perversion: 'what can be thought of that damnable conclusion … that the multitude may correct, or depose their prince, if need be? Surely the unnaturalness, and injustice of this position cannot sufficiently be expressed' (p. 32).

Filmer concedes that 'many will be ready to say, it is a slavish and dangerous condition to be subject to the will of any one man, who is not subject to the laws'. However, such men do not consider that: '1. that the prerogative of a king is to be above all laws, for the good only of them that are under the laws, and to defend the peoples liberties'; and '2. there can be no laws without a supreme power to command or make them … [and] that which giveth the very being to a king is the power to give laws; without this power he is but an equivocal king'. As for 'all those liberties that are claimed in parliament', they are but 'liberties of grace from the king, and not the liberties of nature to the people' (p. 44). If, Filmer goes on, 'liberty were natural, it would give power to the multitude to assemble themselves when and where they please' (p. 55). Whereas 'the liberties of favour and grace, which are claimed in parliaments, are restrained both for time, place, persons, and other circumstances, to the sole pleasure of the king' (p. 55). Furthermore, 'these priviledges are granted with a condition implyed, that they keep themselves within the bounds and limits of loyalty and obedience' (p. 56).

Much has been alleged of Filmer's eccentrically excessive stance on the scope of royal power, especially compared with those more moderate and constitutionally minded loyalists.[132] However, if Filmer's view were, as Alan Craig Huston has claimed, slightly too 'extreme' for public consumption during his own lifetime,[133] as Cesare Cuttica has demonstrated, they proved to be significantly 'more consonant with the types of political languages and polemical goals that shaped the ideological landscape of the final phases of the Stuart regimes'.[134] While there were differences in emphasis and tactic across the contours of Tory political ideology, there was a perceptible core of thinking exemplified by Filmer that most people who sided with the court would have embraced. As we shall see, throughout the crisis of the 1680s, loyalists spoke out to defend 'the ashes of that Learned, Loyal, and Honourable Person, Sir *Robert Filmir*, [which] have been of late polluted with a great deal of dirt … because he was such a Fatal Enemy to that Jesuitical Principle, that the Original of all Power and Government is in the People'.[135] Tailoring Filmer's conservative conception of natural law to suit the exigencies at hand, these loyalists combined this endorsement of natural subordination (political and domestic) with an attack upon the dangers and hypocrisy of the Whigs' opposing political ideal.

The strategic decision to adopt patriarchalism as a response to contractualist versions of natural law stemmed from a wish to portray the Whigs as unpatriotic and unfaithful subjects. To take the words of Matthew Rider, despite being blessed with 'A Constitution so Paternal, so wholesome and satisfactory to all peaceable and well-meaning People' (p. 1), nevertheless, 'such is the perverseness of some men, and so impossible it is to satisfy their hydropical Humour, or settle

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[132] See, in particular, James Daly, *Sir Robert Filmer and English political thought* (Toronto: University of Toronto Press, 1979) and David L. Smith, *Constitutional royalism and the search for settlement, c.1640-1649* (Cambridge: Cambridge University Press, 1994).
[133] Alan Craig Huston, *Algernon Sidney and the Republican Heritage in England and America* (Princeton: Princeton University Press, 1991), p. 68.
[134] Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch* (Manchester: Manchester University Press, 2012), p. 241.
[135] Edward Pelling, *The Apostate Protestant a Letter to a Friend* (1682), p. 58. On the influence of French anti-Jesuit sentiment upon Filmer's doctrines, see Cuttica, 'Anti-Jesuit patriotic absolutism: Robert Filmer and French ideas (c. 1580–1630)', *Renaissance Studies*, 25:4 (2011), 559-579.

their restless spirits', that while 'they would seem our greatest *Demagogues* and *Patriots*', in fact, 'like Spiders which suck Poison out of the finest Flowers, they take occasion from the goodness of Government to endeavour to subvert and destroy it' (pp. 1-2).[136] Rider goes on to identify the two 'fundamentally pernicious Errors' underpinning all 'disorders now prominent among us': '*1. That all Mankind are by the Law of Nature born free from all Earthly Subjection. 2. That Sovereignty is not conferr'd upon Kings immediately by God, but is by the people conveyed ... in trust only, and by communication*' (p. 2). Such principles, Rider claims, 'leave all in a meer *Chaos* of endless confusion', implying an egalitarian position which not even the Whigs would have found tenable:

> Who can then blame any Porter, Cobbler or Tinker ... for examining the proceedings as well of King and Council, as of both Houses of Parliament and all Courts of Judicature? For if they are all thus naturally free, they are all naturally equal, and consequently the distinction of Peer and Commoner is contrary to common sense, and the Law of Nature. Besides if this natural freedom be admitted, by what authority are Freeholders and Freemen only allowed to choose, and be chosen Members of the House of Commons? (p. 3)

For Rider, the double standards of the Whigs affirmed the fallacy of their philosophical framework, and he proceeds to substantiate his reasoning with recourse to 'experience'. For nothing could better testify to the 'aforesaid Paradoxes of Popular Freedom, and the fatal train of pernicious Consequences, that necessarily attend them, [than] that unparalleled Tragedy, lately acted upon the bloody Stage of this Kingdom': the murder 'of their natural Sovereign' (p. 5).

Launching his own opposing interpretation of 'the Law of Nature' (p. 11) - 'because several Criticks do rail many needless Scruples about the true Notion or Definition thereof' (p. 11) - Rider explicates a faithfully Filmerian model in order to prove 'That Monarchical Government Is not only the immediate Ordinance of God, but also a prime Institution of Nature' (p. 12), and, 'to apply this to our present purpose' (p. 12), concluding 'how unwarrantable it is for any People to

[136] Matthew Rider, *The Power of Parliaments in the Case of Succession* (1680).

attempt the altering of the Succession' (p. 12). For, Rider claims, 'even the Republicans themselves do generally acknowledge that Government, at least in *genere* … is an Ordinance of God and founded in the prime Laws of nature' (p. 15). Yet 'it is unconceivable how Government in *genere* could be so, unless at least some *Species*, or kind thereof be so likewise', and 'of necessity the best Form, or Species thereof must be allowed for such' (p. 15). To this end, 'all different people acknowledge, experience, reason and authority confirms, that of all sorts of Government, Monarchy is the best, the ancientest, and most agreeable to mans original' (p. 15).

Going on to cite Filmer's own sources, Rider continues to expound that such had been 'attested by that great searcher of nature … *Aristotle*, in several places of his works' (p. 16). Certainly, 'it is very remarkable that … although he wanted the Light of the Holy Scriptures', nevertheless, 'by the very glimmerings of *natura* … [Aristotle] discovers this Monarchy even in the first societies of Mankind' (p. 16). For, again quoting chapter two of Aristotle's *Politics*, Rider declares that 'Aristotle deduceth the Original of Government, not from any Arbitrary Election or Choice of the People, but from the Father-hood, and the natural subjection Children owed to their Parents' (p. 17). Thus 'Aristotle affirmeth; *By the Law of Nature the Father hath command over his Children, the Progenitour over his Grand-Children, and the King over his subjects*' (p. 17). Similarly, Rider says, if we look to the origins of man's creation 'we shall find that as Adam was the first man, so he was the first Monarch of the whole Earth', by which 'His Children and all his posterity were wholly under his tuition and Government, so that none of them had any right or Title to possess anything in property, but by his Grant or Permission, or by succession from him' (p. 17). Henceforth,

> how can any man be born naturally free from civil obedience, when by his very birth he is naturally Subject to his Parents, and if his Parents be subject to others, as their fathers, Grand fathers, or King, is he not consequently subject to his Fathers Superior? Likewise, since man is naturally inclined to Society … and there can be no settled Society amongst men without Government, nor any Government without subjection and obedience; what a Chimerical conceit it is, that a man in all these circumstances can be free from civil subjection? In a word, if men were naturally free from obedience to any Earthly Power, and if Self-preservation could dispense with all our Tyes and

> Obligations to humane Society, there should none but Self-Government be admitted in the World. (p. 18)

For Rider, the very conception of a natural right to 'self-preservation' undermined the possibility of society, which was naturally hierarchical in composition.

Moreover, as in Filmer, here nature's laws did not contradict but rather confirmed the positive laws of the English constitution. In 'our Law books', Rider asserts, 'nothing is more obvious than to find the King stiled our natural Liege, lord and Soveraign, and our subjection to the Crown, termed natural Obedience', as 'has been observed in all Indictments of Treason' (p. 21). For 'if the Subjects obedience to the Sovereign be natural … their disobedience must be unnatural', and 'Subjects attempting to depose [Kings] from their right or forcibly resist them, can be no less than Diabolical presumption': 'Upon what grounds then can any people indeavour to alter the right of Succession, and disinherit the Heir apparent, or next of blood?' (p. 21). Such 'was well known by our ancient Parliaments' who were not 'overaw'd by any Prevailing faction' and 'constantly acknowledge the Crown to descend upon the next Heir of the blood Royal, by inherent Birth-right, by lawful and undoubted Succession, according to the Law of God and Nature' (p. 22). The only reason that the Whigs were 'strangely troubled' by this incontrovertible doctrine was, according to Rider, because they are sure that 'if this Principle be once admitted, they cannot with any colour of justice have a finger in the pye, or set up that Golden Calf, their well beloved Common-Wealth' (p. 22). On that note, Rider reminds his readers that:

> the worst of Monarchy, even Nero himself, was never guilty of half those unparalleled Tyrannies lately perpetrated by the loud clamouring Advocates of the peoples Liberty, the members of the Rump Parliament. (p. 14)

Tying Whig claims to the failings of the Republic, Rider seeks to dispel any perception of the party's moral motivations and to paint the Exclusion Bills as little more than a despotic *coup d'état*: '(as Aristotle saith): *all Tyrants for the most part are made of the factious Ringleaders of the people, having got*

credit with the multitude by fairly impeaching and Calumniating famous and renowned Men' (p. 19). By this artifice, '*Absolom* attempted to snatch the Crown from his Father ... and in our own days the late British Monster Tyrannized over the three Kingdoms' (p. 19). The analogy was one Dryden was quick to pick up on.

These Filmerian claims were refigured and reformulated by numerous other Tory writers in their efforts to promote nature's allegiance to monarchical authority, and its continuity through progeniture. The undisputable 'Natural and Paternal Power'[137] of the King was the constant refrain of those outraged that 'these pretended Popular Patriots' could 'treat the Father of their Country, their natural liege Lord and Soveraign at this unkind rate'.[138] Furthermore, the political falsehood of the maxim that 'Every man is born a Freeman in the Forest' was consistently verified through its application to the domestic structure of society. Here, such Whiggish notions of natural liberty were not merely a threat to the peaceful running of the state, but to the disciplined hierarchy of every household:

> Is not the Female Sex by the ordinance of God and nature, inferiour and subordinate to the Male? Doth not nature teach that the Wife by the Law of nature is subject to the Husband? ... If all power be originally in the People, then it will by consequence follow, that the lawful authority of a Father over his Children, and a Husband over his Wife, are derived from the Children and Wife, and the Children and Wife in some Cases may resume their power, derived from them and their native Liberty.

The thought of it was patently absurd: 'If our Author will aver so, he is to be cudgelled'.[139]

Dryden's own friend and ally, John Northleigh, corroborated this outlook. Spurning all those who 'lay out [their] Lungs against Sir Robert Filmer' (p. 375), Northleigh sought to counter 'those sophisticated drugs of false Opinions' (p. 9) that had been championed throughout the century by the 'most damnable Quacks of the Kingdom' (p. 9) in order to proclaim 'the Subjects Divine Right'

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[137] John Monson, *A Discourse Concerning Supreme Power and Common Right* (1680), p. 20.
[138] John Nalson, *The Present Interest of England* (1680), pp. 10-11.
[139] *A Letter to a Friend Shewing From Scripture, Fathers, and Reason, How False that State-Maxim is, Royal Authority is Originally and Radically in the People* (1679), p. 7.

(p. 656).[140] For 'what ever Kindness his Countrey can have for the Dust of her Native Milton, I am sure, 'tis more obliged to … reverence the Memory of Salmasius' (p. 10). Although

> 'Tis a little Prodigious that Persons not so much as allyed to the Clime, should have such Kindness for a Government, to which they are no way subjected: while those that are born to obey it … should break the Laws of Nature … for its ruin and subversion; certainly it can proceed from nothing but the agreeableness of the one, to the solid Foundations of Eternal Reason; The other only from the Malice and Venom of those Vipers, that for the production of every novel, and unnatural Opinion, must force their way with Blood, and Wounds, and that too through the very Bowels of their Damn. (p. 10)

Against this national perfidy, Northleigh claimed that those now who 'had but the least Inclinations to be Loyal' and 'were not resolutely resolv'd to Rebel against the Light of Nature', would soon be reasoned into agreeing 'that Paternal Right and Power' and 'Progeniture' was 'so far of a Divine Institution' that it was 'Constantly Visible from all the Phenomenons of Unalterable Nature' (p. 359). In 'Nature', Northleigh avers, 'there is nothing from it more evident, than a whole series of Subordination, and that to single Soveraignty' (p. 578). As such, Northleigh remarked, 'I cannot see how Mr. *Sidney* could avoid, or any of his Associates' - including that 'Judge Advocate for the Parliament, Postscript Hunt himself' - 'this Grand Absurdity, and as great a Lye; that the Parliament have a Natural Liberty' to dictate to 'their Liege-Lord, and Soveraign' (p. 579). A 'Parliament is a great Privilege to a Nation, but not so when it Usurps all sorts of Privileges … that would make us Traytors' (p. 222) – a crime equitable to 'Parricide' (p. 646). As for the succession, it was clear that '*Nature giving a precedency by Birth, makes Naturalist to call Primogeniture the Sors naturalis* [natural lot]', contradicting any myth that 'the Succession to the Crown, is of a Civil Nature' (p. 620).

The demonstrably wide acceptance of Filmer's patriarchalist take upon natural law exhibits the traction this interpretation continued to hold throughout the latter half of the seventeenth century, forming a theoretical asset for the Tory contingent that arose out of the Exclusion Crisis.

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[140] John Northleigh, *The Triumph of Our Monarchy* (1685).

When the hereditary principle of monarchy was cast in doubt and where the legislative and executive agency in the body politic was contested, the paradigm of the king as natural father of the land, and its connected images of societal and domestic order, became a defence against the concepts of resistance and popular government, parliamentary representation and the people's rights raised by the opposition. These ideas of a naturally ordained monarchy and their debt to Filmer were so commonplace that another pamphleteer hardly saw the point in reiterating them, declaring to his readers: 'all Government is founded in Paternity: but this being so very ingeniously and learnedly done by Sir R. F. I shall save my self and you the trouble'.[141]

Hobbes: '*Dehonestamenta Humani Generis*' (disgrace of humankind)

Yet if Filmer and his followers provided one conception of nature which vindicated the Tories claims, there was another supporter of the monarchy who presented a more controversial reconstruction of natural law in his discussions upon sovereignty, Thomas Hobbes. Much like his political adversaries, Hobbes' starting point for his transformation of this traditional discourse had perceptibly Grotian foundations. Indeed, if Milton, Sidney, Hunt and Locke can be perceived as the liberal heirs of Grotius' thought, Hobbes proved that Grotius' principles might be renovated to serve drastically different ends.[142] As for Locke, the basis of Hobbes' philosophy of natural law and rights was a conception of mankind in its primordial or pre-political form, the state of nature. Yet where Locke stresses strenuously 'the plain *difference between the state of nature and the state of* war, as

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[141] *Protestant Loyalty Fairly Drawn* (1681), p. 14.

[142] The relationship between Grotius and Hobbes remains contested. Richard Tuck has affirmed that Hobbes is Grotius's direct intellectual descendent. See particularly 'Grotius, Carneades and Hobbes', *Grotiana*, 4, (1983): 43–62, and *Natural Rights Theories*. Meanwhile, taking the contrary position, Perez Zagorin has insisted that the theories of Grotius and Hobbes are essentially unrelated. See 'Hobbes Without Grotius', *History of Political Thought*, 21:1(2000), 16-40. For a helpfully balanced reflection upon the merits and deficiencies of both these claims, see Martin Harvey, who claims that while Hobbes' theory 'has its formal roots in Grotius ... its ultimate success requires that Hobbes cast both the substance and practical import of Grotius's account aside', 'Grotius and Hobbes', *British Journal for the History of Philosophy*, 14:1 (2006), 27-50.

'a state of peace, good will, mutual assistance and preservation', and 'a state of enmity, malice, violence and mutual destruction, are one from another' (II, 19), in Hobbes' view, the two conditions were commensurate. Unlike the *Two Treatises*, which portrays nature as model for society to replicate, arguably the focal strategy of Hobbes' most infamous work, *Leviathan* (1651), was to render an account of the state of nature as the miserable condition that awaited all those who contemplated rebellion.[143] For, 'during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man' (I, 13).[144] Emancipated from authority and marked by continual conflict amongst equal individuals all competing for survival, this anarchy encapsulated the perils of disobedience. It was a place where 'men live without other security, than what their own strength, and their own invention shall furnish them withall', where there is 'no Society', only 'continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short' (I, 13). In *Leviathan* there was no attempt to provide a biblical or anthropological history of the emergence of an inherently monarchical society, merely to convey the fundamental dangers in attempting to dismantle it. For without political association under a common power, any 'notions of Right and Wrong, Justice and Injustice' were irrelevant, instead 'Force, and Fraud' become 'the two Cardinall vertues' (I, 13).

The origin of this situation was Hobbes' extreme and morally unbridled take upon the idea of self-preservation, which had been presented more moderately by Grotius and his followers. In Hobbes' hyper-permissive account: 'The right of nature, which Writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; … and consequently, of doing *any* [italics mine] thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto' (I, 14). There exists no

[143] On the relationship between Hobbes and Locke, see Laslett's 'Introduction' to his edition of *Two Treatises*, p. 67 ff.
[144] Thomas Hobbes, *Leviathan: the English and Latin texts*, 3 vols., ed. Noel Malcolm (Oxford: Clarendon Press, 2012).

commandment for humanity to respect one another's right, and the 'Articles ... which otherwise are called the Lawes of Nature' are derived solely from mankind's 'Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain them' (I, 13). As such, 'the first, and Fundamentall Law of Nature' was '*to seek Peace, and follow it*' (I, 14), the consequence of which led to the contractual construction of government:

> From this Fundamentall Law of Nature ... is derived this second Law; That a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himself. (p. 92)

Furthermore,

> when a man hath in either manner abandoned, or granted away his Right; then is he said to be obliged, or bound, not to hinder those, to whom such Right is granted, or abandoned, from the benefit of it: and that he Ought, and it is his duty, not to make voyd that voluntary act of his own: and that such hindrance is iniustice, and iniury, as being *Sine Jure* [without right]; the Right being before renounced, or transferred. (I, 14)

Natural law then, Hobbes exhorts, proffers the escape from mankind's ruthless natural condition, commanding the necessity of political absolutism, under which men would do better '*to brooke with patience some inconveniences ... then ... disturb the quiet of the publique*' (p. 145) - contrary to any Whiggish notions of the people's rights.[145]

Under Hobbes' philosophy, once the contract of government has come into force, the voice of the citizens is transferred unconditionally to their monarchical representative, who alone can speak on behalf of the "people". As Hobbes had made clear in *De Cive*, there was a fundamental 'distinction between a *people* and a *crowd*' (p. 137). The people come to exist because of, and through, the state, and their action can only be thought of in that way; therefore 'in a Monarchy ... (paradoxically) the *King* is the *people*' (p. 137). By contrast, any aggregate of isolated men (before the

[145] Hobbes, *On the Citizen [De Cive]*, ed. Richard Tuck and Michel Silverthorne (Cambridge: Cambridge University Press, 1998).

State) or dissident subjects (after the State's creation) is to be termed merely a crowd or multitude, to whom '*No Right can be attributed*' (p. 75). 'Ordinary people and others who do not notice this point,' remarks Hobbes, 'always speak of the *commonwealth* having rebelled against the *king* (which is impossible) and of the *people* wanting, or not wanting, what malcontent and murmuring subjects want or do not want', which is nothing but a canard under which citizens grow 'ripe for unrest' (p. 137). A Sovereign must always be on guard against this 'poison of seditious doctrines', it being their duty to 'to encourage obedient citizens, and to suppress factious citizens as forcefully as they can; for it is the only way which public power, and with it the citizens' quiet, can be preserved' (p. 149). It is, of course, in *Leviathan* where the phantom of 'rabble-rousing' (p. 139) reaches its climax. Here the enraged multitude 'clamour, fight against, and destroy those, by whom all their life-time before, they have been protected, and secured from injury' (I, 8), stoked up by 'false Teachers, that either mis-interpret the Law of Nature, making it thereby repugnant to the Law Civill; or by teaching for Lawes, such Doctrines of their own, or Traditions of former times, as are inconsistent with the duty of a Subject' (II, 27). Certainly, Hobbes warns,

> the Popularity of a potent Subject, (unlesse the Commonwealth have very good caution of his fidelity) is a dangerous Disease; because the people (which should receive their motion from the Authority of the Soveraign,) by the flattery, and by the reputation of an ambitious man, are drawn away from their obedience to the Lawes, to follow a man, of whose vertues, and designes they have no knowledge. (II, 29)

These imposter prophets, 'the first movers in the disturbance of a Common-wealth' (II, 27), are motivated by the 'perpetuall and restlesse desire of Power after power' (I, 11) that is the general inclination of all mankind; yet they are beset by excessive passions, and of the 'Passions that most frequently are the causes of Crime, one, is Vain-glory or a foolish over-rating of their own worth' - 'as if difference of worth, were an effect of their wit, or riches, or bloud, or some other naturall

quality, not depending on the Will of those that have the Soveraign Authority' (II, 27).[146] For Hobbes, the appetites of 'ambition, greed, [and] vainglory … impede one's ability to grasp the laws of nature', engendering instead a form of 'madnesse' or violent enthusiasm that wreaks havoc upon the stability of the social order (p. 53).[147]

Thus it was that Hobbes - notorious for his strategy of redefining key terms - drew heterodox conclusions from conventional premises.[148] As Perez Zagorin put it, in Hobbes' hands, natural law is not, as previous theorists claimed, 'a metaphysical and teleological doctrine that conceives the basic rules of morality as a genuine and universal law whose source is not in any human legislator but in Nature, and ultimately in the reason or will of God the creator'; rather it was a set of practical conclusions developed from an empirical observation of human passions amidst a purposeless and instinctive nature.[149]

Jon Parkin has demonstrated that Hobbes' reception throughout the seventeenth century was one permeated with ambiguity, in which Hobbes' ideas were both condemned and caricatured as primers of atheism and subversion, and yet also exercised an often unacknowledged but pervasive form of influence.[150] Incongruously seductive, Hobbes' state of nature became a common point of reference for pamphleteers, philosophers and poets: as Samuel Parker vouched, 'as odd as it is' this 'lamentable foundation' has 'become the Standard of our Modern Politicks'.[151] Indeed, as politics polarised in the context of the 1680s, a paradoxical situation developed where 'Hobbes' arguments

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[146] See also Julie E. Cooper, 'Vainglory, Modesty, and Political Agency in the Political Theory of Thomas Hobbes', *The Review of Politics*, 72:2 (2010), 241-69.
[147] For Hobbes's political theory of the origins of enthusiasm, see Frederick C. Beiser, *The Sovereignty of Reason* (Princeton: Princeton University Press, 1996), p. 207 ff.
[148] On this, see Philip Pettit, *Made with Words* (Princeton: Princeton University Press, 2008), pp. 53-4.
[149] Perez Zagorin, *Hobbes and the Laws of Nature* (Princeton: Princeton University Press, 2009), p. 5.
[150] Jon Parkin, *Taming the Leviathan* (Cambridge: Cambridge University Press, 2010). See also: Samuel I. Mintz, *The hunting of Leviathan* (Cambridge: Cambridge University Press, 1962) and Noel Malcolm, *Aspects of Hobbes* (Oxford: Clarendon Press, 2002).
[151] Samuel Parker, *A Discourse of Ecclesiastical Politie* (1670), p. 118.

could be publicly condemned by all parties, but at the same time used to further each of their agendas'.[152]

Whilst approving of Hobbes' authoritarian outcome, Filmer of course had long since outlined the royalist objection to the theories of the natural rights of individuals, and the idea that sovereign power arose from the covenanting of subjects: 'With no small content I read Mr. *Hobs* Book *De Cive*, and his *Leviathan*, about the Rights of Sovereignty and *exercising* Government ... but I can not agree to his means of *acquiring* it' (p. 184). His '*Jus naturae*', claimed Filmer, 'and his *Regnum Institutivum* [kingdom by institution] will not [go] down with me' (p. 185). Following in this vein, loyalist writers continued to revile Hobbes as a philosopher of moral subversion and rebellion, for 'these terms of putting the Supreme Power into the Hands or the Heads of the People, 'tis to tell the Subjects, that no Man has any Right or Power to Govern them, but as themselves think good to be Govern'd; that is, in a word, that they are under no Government at all'.[153] Yet, ironically, Tory propaganda was riddled with quasi-Hobbesian justifications for obedience. To quote Parker once again: 'were it not for fear of Authority, every Man would be exposed a Prey to all Men, and all mankind would unavoidably fall into a State of War, then which State, nothing can be more defenceless and deplorable'.[154] Even explicit allusions to Hobbes's account were not uncommon. As L'Estrange remarked, the individualistic natural rights principles asserted by the opposition removed 'all the Bonds of Human *Trust*, and *Concord*', running 'us back again into Mr. *Hobbs's* Original *State of War*'.[155] Such incidents of Hobbesian influence did not go unnoticed by the Whigs, keen as they were to present Hobbes as the unacceptable face of Tory absolutism. For Hunt, it was painfully obvious that 'the great *Leviathan*-maker' was the loyalists' friend.[156] Sidney, too, threw

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[152] Parkin, *Taming the Leviathan*, p. 362.
[153] Parker, *Religion and Loyalty* (1684), pp. 50-51.
[154] Parker, *Religion and Loyalty*, pp. 111-12.
[155] L'Estrange, *An Answer to the Appeal from the Country to the City* (1679), p. 31.
[156] Hunt, *An Argument for the Bishops Right in Judging Capital Causes* (1682), p. 44.

Hobbes in (alongside Filmer) with those royalist theorists who 'Compleat the shame and misery of our age and country' (p. 8).

Dryden, The Tory Propagandist

Surrounding the Exclusion Crisis, then, there was a variety of competing claims regarding both the state of nature and the nature of state. For the Whigs (like Grotius and Milton before them), nature decreed the people's freedom to live under a government of their choosing and the King ruled at their behest. For the Tories, the naturally patriarchal hierarchy of society justified the authority of the monarch and his lawful progeny. There was also Hobbes's controversial conception of nature as a state of brutish and indiscriminate anarchy, which only the submission to an absolute authority could relieve. It was a debate fought out not only through polemical pamphlets and political philosophy, but also via the literary canon. Dryden, Charles's Poet Laureate and Historiographer Royal, addressed the debate in *Absalom and Achitophel* (1681). Although he claimed in the Preface to this work to wish to 'please the more moderate sort' of either party, the lexicon Dryden employs - 'father', 'patriot', 'slave', 'rebel', 'people', 'liberty', 'ambition', 'glory', 'crowd', 'multitude', 'nature', 'law', 'right' - locates the poem within the arguments upon the political meaning of natural law that characterised the Exclusion, providing a satiric rendering of the Tory cause.

Dryden's attention to the use of natural law within the crisis was already clear. In his prose pamphlet, *His Majesty's Declaration Defended* (1681), published to vindicate Charles' final dissolution of parliament, Dryden had already pinpointed the Whigs' philosophical reliance upon 'the Law of Nature, self-preservation and defence'. These 'words that sound high amongst the multitude', were (in Dryden's view) only the 'Phanatique Party['s]' means of 'incroaching into Sovereignty and Arbitrary Power themselves, while they seem'd to fear it from the King'.[157] In

[157] *His Majesty's Declaration Defended* in *The Works of John Dryden*, XVII, pp. 210, 196.

Absalom and Achitophel, through a complex series of literary manoeuvres, Dryden sets about a process of comically deprecating the Whigs' take on natural law as a hypocritical pseudo-theory, premised (with Hobbesian overtones) on the ambitions of its vainglorious leaders and the credulity of the sinful, recalcitrant crowd. Furthermore, Dryden subtly reframes the Filmeric patriarchal argument to elide its connotations of absolutism. Instead, he reclaims its links to natural abundance and generosity, positioning the monarch as a merciful father rebuked with unnatural ingratitude. Attuned to the all the idioms of the debate, Dryden's poem incorporates both traditional and more riskily unorthodox concepts, from Filmer's belief in the primacy of descent and primogeniture to Hobbes's violent state of nature, producing a philosophically slippery but effective defence of the monarchy's position within nature's ethical code.

The poem's narrative, of course, sustains a parallel between the Whig campaign to alter the royal succession (particularly, of Shaftesbury's promotion of Monmouth as an alternative heir), and the biblical story of Absalom's rebellion against his father, King David. The approach was by no means original. As R. F. Jones demonstrated, the scripture's political potential was adapted to various contexts throughout the seventeenth century, and a pointed association between Charles and David had been adopted habitually by writers since 1660.[158] The work usually given credit for establishing the popularity of the episode is Nathaneal Carpenter's *Achitophel, or, The Picture of a Wicked Politician*.[159] Published in 1627, and enjoying five more editions before the middle of the century, Carpenter's composition was defined as 'a sacred Tragedy, consisting of four chief Actors, *viz. Dauid* an anointed King: *Absolon* an ambitious prince: *Achitophel* a wicked politician, & *Chushai* a loyal subiect' - 'a passage of history ... for instruction vseful, [and] for euent admirable' (*Epistle*), particularly when applied to local conditions (in this case, to denounce the intrigues of the Catholics). Interestingly, throughout his chronicle, Carpenter himself draws upon the claims of

[158] R. F. Jones, 'The Originality of Absalom and Achitophel', *Modern Language Notes* 46 (1931), 211-18; See also Caroline Edie, 'Right Rejoicing', *The Bulletin of the John Rylands University Library of Manchester* 62 (1979-80), 81.
[159] Nathanael Carpenter, *Achitophel, or, The Picture of a Wicked Politician* (1627).

natural law to substantiate his interpretation. The designs of Achitophel and his accomplices are chastised as 'not grounded vpon Gods law, or natures priuiledge, but their owne seeming aduantage' (p. 5), thwarting the 'current which customary right, and the law of nature had already establisht' (p. 4). Meanwhile, Absolon is described to have 'promised to himselfe as much as the people, and suffered his confidence to spread her wings beyond his abilities: yet serues this little, to excuse his action from vnnaturall disobedience' (p. 8). Carpenter asserts that 'Nature would haue perswaded a gracious childe with Noahs two modest sons, to haue lookt awry, or gone backward, no sooner to see ere hee could hide his fathers shame' (p. 8) at such a betrayal of oeconomie – an 'institution founded on the law of nature, as the first and strongest band of humane societie, and the first ground-worke of a common-wealth' (p. 53).

Similar allusions to natural law were also evident in the numerous pamphlets that discussed the biblical chapter in relation to the royal crisis later in the century, just prior to Dryden's own arrangement of the material. In a sermon preached at St. Sepulchre's, London on 5 November 1678, Aaron Baker urged his audience that, as they commemorated the anniversary of another famous plot against the monarchy, such was the danger of present circumstances that 'reflect[ion] on the former Passages of this History' of 'Conspiracy against David God's Anointed' (p. 2) might be suitably beneficial.[160] It ought to be remembered, for instance, that 'this Popularity of Absalom was but the Veyl to his Unnatural Treachery. For the End of all his Kindness was … no less than Usurpation of the Crown; [and] The Theft of [the people's] hearts from their Natural and lawful Sovereign' (p. 4). Baker insists, 'let us beware … of sinning against the Laws of Gratitude and near Relations; for we may be assured, that God's Justice looks upon and will severely punish the unnaturalness of our sins, as when Sons Rebell against their Father, or Subjects against their Prince, thereby subverting the Laws of Nature it self' (p. 12). The anonymous pamphlet, *Absalom's*

[160] Aaron Baker, *Achitophel Befool'd* (1678).

conspiracy, or, The tragedy of treason (1680) confirmed such views as 'written for our Instruction', declaring that

> THere is nothing so dangerous either to Societies in General, or to particular Persons, as Ambition; the Temptations of Sovereignty, and the glittering Lustre of a Crown, have been guilty of all the fearful Consequences that can be within the compass of imagination: For this, Mighty Nations have been drown'd in Blood ... For this, Parents have lost all the sense and tenderness of Nature; and Children, all the Sentiments of Duty and Obedience; ... the Laws of Nature and of Nations, of God and Religion, have been violated; Men have been transformed into the cruelty of Beasts, and into the Rage and Malice of Devils.[161]

The precedent, in other words, was set. Yet Dryden was not aspiring to novelty, almost the contrary. As Paul Hammond has written, Dryden 'wished rather to have his readers recognise familiar individuals and images rearranged in a persuasive new configuration', to 'construct a narrative which translated the messy contingencies of current politics into a story which could be read as a single coherent whole'.[162] In Dryden's mapping on to the events surrounding the Exclusion Crisis a biblical typology with an already familiar and favourable Royalist interpretation, the Whigs, and their principal players, Monmouth and Shaftesbury, were trapped in translation. The story had been used as a mouthpiece for nature's laws before, and, in Dryden's poem, these themes return consolidating the narrative's philosophical and political significance in the monarch's favour.

As demonstrated in these loyalist accounts, the figure of the disobedient son, Absalom, provided one of the story's most significant openings for a discussion of natural law and its most fundamental tenets, as they were perceived by the Crown's disciples. In *Absalom and Achitophel*, Dryden, too, seeks to capitalise upon this opportunity, emphasising the King's integrity, and placing the onus of political accountability for any conflict firmly upon Absalom, whose subordination to his sovereign and father is presented as a binding natural duty. Fuelling a sense of tragic irony,

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[161] *Absalom's Conspiracy* (1680), p. 1.
[162] Paul Hammond, *Dryden: a literary life* (London: Macmillan, 1991), p. 97.

Dryden has Absalom himself - whose 'loyal blood within him struggled still' - outline the Tory argument:

> … what pretence have I
> To take up arms for public liberty?
> My father governs with unquestioned right,
> The faith's defender, and mankind's delight:
> Good, gracious, just, observant of the laws,
> And heaven by wonders has espoused his cause.
> […]
> Were he a tyrant who by lawless might
> Oppressed the Jews and raised the Jesubite,
> Well might I mourn; but nature's holy bands
> Would curb my spirits and restrain my hands. (ll. 315-39)

By his own testimony, Absalom's betrayal of David has no credible foundation, and, in the hypothetical circumstance that it did, 'nature's holy bands' ought to forbid any transgression of the devotion owed to the paterfamilias. As Filmer insisted, there is no 'freedom from such subjection as is between father and son'. Nor is there, Absalom affirms, any authority to negate the decree of primogeniture:

> His lawful issue shall the throne ascend,
> Or the collateral line where that shall end.
> His brother, though oppressed with vulgar spite,
> Yet dauntless and secure of native right,
> Of every royal virtue stands possessed,
> Still dear to all the bravest, and the best. (ll. 351-54)

Playing up to the Duke of York's unpopularity, Dryden's Absalom is permitted a small slur against the character of David's tactfully unnamed successor, but concedes his natural and unassailable birthright to rule, should the crown fall vacant. As Absalom laments:

> Why should I then repine at heaven's decree,
> Which gives me no pretence to royalty?
> Yet O that Fate, propitiously inclined,

> Had raised my birth, or had debased my mind;
> To my large soul not all her treasure lent,
> And then betrayed it to a mean descent.
> I find, I find my mounting spirits bold,
> And David's part disdains my mother's mould.
> Why am I scanted by a niggard birth?
> My soul disclaims the kindred of her earth,
> And made for empire whispers me within,
> "Desire of greatness is a godlike sin". (ll. 361-72)

Bemoaning his 'mean descent', Absalom's futile plea appears initially designed to stir up some pity on behalf of its advocate, yet as Absalom's rhetoric becomes increasingly vitriolic, displaying a haughty contempt of his 'niggard birth', and a surreptitious pretension to an imperial and even blasphemous glory, this empathy is undercut. Throughout the poem, Dryden's narrator seems to treat any aspiration to move beyond one's natural status within the social hierarchy with withering sarcasm. The character of Corah (Titus Oates) is a case in point:

> What though his birth were base, yet comets rise
> From earthly vapours ere they shine in skies:
> Prodigious actions may as well be done
> By weaver's issue as by prince's son.
> This arch-attestor for the public good
> By that one deed enobles all his blood. (ll. 636-41)

Likening Corah's unlikely elevation to the trajectory of a comet - then thought to be a portent of national disaster - Dryden exploits Oates's rapidly declining reputation with the authorities and public to ridicule the repercussions of trusting an ignoble commoner. Absalom's actions verify the prudence of such a warning, as, 'Impatient of high hopes' (l. 684) and 'fired with near possession of a crown' (l. 685), he forsakes the laws of nature, pronouncing himself 'no more a son!' (l. 703) and prepared to wage war against the court regardless of filial ties: 'These arms may sons against their father's use'. Dryden underscores the atrocity of this abandonment of reverent obedience with the contrasting examples of laudable piety that exemplify the courtly faction. These loyal supporters of the crown are, so Dryden's narrator insists, 'Of ancient race by birth … / So formed to speak a

loyal nation's sense' (ll. 900-5), calling specific attention to Barzillai's (the Duke of Ormonde's) son, who, 'perfect in [his] line!' (l. 839), 'All parts fulfilled of subject and of son' (l.836), the nation 'unworthy of [his] name' (l. 846).

Absalom's about-face is, of course, the product of Achitophel's satanic seduction. Here, alongside playful echoes of Milton's epic (ironically facilitating a political interpretation that was the antithesis of Milton's own sentiments), Dryden offers an exposition of Hobbes's warning against the irrational 'Passion, whose violence, or continuance maketh Madnesse', threatening both the laws of nature and the preservation of the state: 'vaine-Glory; which is commonly called Pride' (I, 8). For, if Hobbes illustrates the dangerous 'rash engaging' of 'Vain-glorious men, such as estimate their sufficiency by the flattery of other men' (I, 11), Dryden's Absalom falls prey to just such flattery at the hands of Achitophel. '[W]ith studied arts to please', Achitophel appeals directly to Absalom's vanity, presenting a vision of the 'glorious prize' he deserves, and is ordained, to seize:

> 'Auspicious Prince! At whose nativity
> Some royal planet ruled the southern sky;
> Thy longing country's darling and desire
> ...
> The people's prayer, the glad diviner's theme,
> The young men's vision, and the old men's dream!
> Thee, savior, thee, the nation's vows confess,
> And never satisfied with seeing, bless.
> ...
> How long wilt thou the general joy detain,
> Starve and defraud the people of thy reign;
> Content ingloriously to pass thy days
> Like one of virtue's fools that feeds on praise,
> Till thy fresh glories which now shine so bright
> Grow stale and tarnish in our daily sight? (ll. 230-249)

Gratuitously profane, Achitophel extols Absalom as a second 'Messiah', depriving the nation of his magnificence, and himself of the glory of kingship: 'Th' eternal God, supremely good and wise, / Imparts not these prodigious gifts in vain; ... Such virtue's only given to guide a throne' (ll. 376-80).

The tone is extravagantly disingenuous, as Dryden's narrator confirms before divulging Achitophel's revolutionary motives:

> Not that he wished his greatness to create
> (For politicians neither love nor hate),
> But for he knew his title not allowed
> Would keep him still depending on the crowd,
> That kingly power, thus ebbing out, might be
> Drawn to the dregs of a democracy. (ll. 222-227)

Dryden continues to have his villain perform an obvious burlesque of the Whig's philosophical arguments, which asserted the contractual nature of government and the power of the people's rights. Achitophel now openly disdains a 'successive title, long and dark / Drawn from the mouldy rolls of Noah's ark' (ll. 301-2), and insists that

> ... the people have a right supreme
> To make their kings, for kings are made for them.
> All empire is not more than power in trust,
> Which when resumed can be no longer just.
> Succession for the general good designed,
> In its own wrong a nation cannot bind.
> ...
> Urge now your piety, your filial name,
> A father's right, and fear of future fame;
> The public good, that universal call
> To which ev'n heaven submitted, answers all.
> ...
> Your case no tame expedients will afford:
> Resolve on death, or conquest by the sword,
> Which for no less a stake than life you draw;
> And self-defence is nature's eldest law. (ll. 409-458)

Instituting 'the public good' as the 'universal' benchmark of political validity, and 'self-defence' as nature's most deep-rooted principle, Achitophel's speech is almost a verbatim account of the arguments founded upon natural law that were espoused by Sidney, Hunt and Locke. Yet the rest of the narrator's symbolic characterisation of Achitophel reveals the malevolence of these

arguments. Achitophel is depicted as a physical corruption of nature: 'A fiery soul, which working out its way / Fretted the pigmy body to decay, / And o'erinformed the tenement of clay' (ll. 156-8). Dryden had employed a similarly technique in his caricature of Shaftesbury (known for his short stature and ill-health) as Creon in *Oedipus* (1679):

> *Creon.*
> Am I to blame if Nature threw my body
> In so perverse a mould? ... to revenge
> Her bungled work she stamped my mind more fair:
> And as from Chaos, huddled and deform'd,
> The God strook fire, and lighted up Lamps
> That beautified the sky, so he inform'd
> This ill-shaped body with a daring soul ...
>
> *Eury.*
> No; thou art all one error; soul and body;
> ... thy crooked mind within hunch'd out thy back.[163]

In *Absalom and Achitophel* too, it is not only Achitophel's body that is malformed. His mind is also branded as near to 'madness' (l. 163) - volatile and irresponsible. While Dryden grants his Achitophel a certain 'sagacious' intelligence, his 'turbulent' (l. 153) wit strives beyond the 'virtues ... proper' (l. 193) to his position with 'wild ambition' (l. 198), careless of the nation's interests. He is 'Restless, unfixed in principles and place' (l. 154), 'Resolved to ruin or to rule the state' (l. 174), despite having 'Usurped a patriot's all-atoning name' (l. 179). As for Shaftesbury's powers of procreation, Dryden furnishes the fitting irony that just as Shaftesbury wishes to corrupt the hereditary principle of nature, his own heir is similarly deformed:

> ... all to leave what with his toil he won
> To that unfeathered, two-legged thing, a son:
> Got while his soul did huddled notions try,
> And born a shapeless lump, like anarchy. (ll. 169-72)

[163] *Oedipus* in *The Works of John Dryden*, XIII, I.i.145-59.

In comparison, the King's philandering (long the subject of travesty) can be represented in David as an enthusiastic sexuality that recalls an age of natural abundance and piety before institution of priestly control, rather than a symbol of tyranny. Then, before 'polygamy was made a sin' (l. 2), when 'nature prompted' (l. 5), 'after heaven's own heart' (l. 7), the monarch 'His vigorous warmth did variously impart / To wives and slaves; as wide as his command' (ll. 8-9), and 'Scattered his maker's image through the land' (l. 10). Dryden's treatment of Charles's wantonness is playfully irreverent, acknowledging the King's appetite, but transforming such desires into proof of his instinctive, patriarchal generosity - a sanction of, rather than a slight upon, his natural authority.

However, it is not only the principal antagonists in the royal drama that Dryden seeks to distort and disparage. A crucial objective throughout *Absalom and Achitophel* (as through much loyalist literature) is to challenge the Whiggish notion of the 'people' as a coherent and credible body, to whom the King was accountable according to the law of nature. Dryden seems to employ a strategy similar to that used by Hobbes to discredit his 'malcontent and murmuring subjects'. The populace is presented, not as a reasonable collective of the nation, but as an enraged and senseless sect. Dryden's 'malcontents' (l. 492) are a 'moody, murmuring race' (l. 45), 'who, at their very best / Their humour more than loyalty expressed' (ll. 61-2) – a 'factious crowd' (l. 68) with 'no formed design' (l. 67) or comprehension of their own 'interest' (l. 68):

> These Adam-wits, too fortunately free
> Began to dream they wanted liberty
> And when no rule, no precedent was found
> By men, by laws less circumscribed and bound
> They led their wild desires to woods and caves
> And thought that all but savages were slaves. (ll. 51-56)

It was not the first time Dryden had sought to challenge the Whigs' emotive rhetoric of enslavement. In the Epistle Dedicatory to *All for Love* (1678) Dryden had reversed the charge, expressing

> a loathing to that specious Name of a *Republick*: that mock-appearance of a Liberty, where all who have not part in the Government, are Slaves: and Slaves they are of a viler note than such as are Subjects to an absolute Dominion. For no Christian Monarchy is so absolute, but 'tis circumscrib'd with Laws ... And yet there are not wanting amongst us, who surfeiting themselves on too much happiness wou'd perswade the People that they might be happier by a change. 'Twas indeed the policy of their old Forefather, when himself was fallen from the station of Glory, to seduce Mankind into the same Rebellion with him, by telling him he might yet be freer than he was: that is, more free than Nature wou'd allow, or (if I may say so) than God cou'd make him.[164]

Both instances seem reminiscent of Filmer's critique of those who, against 'the very principles of the law of nature' (p. 3), try to 'magnify liberty as if the height of human felicity were only to be found in it - never remembering that the desire of liberty was the cause of the fall of Adam' (p. 2). Like Filmer's 'confused multitudes' (p. 7), Dryden's 'rascal rabble' (l.579) are depicted as a barbaric, animalistic 'pack' (l. 527), ignorant of both the misconception and 'dangerous consequence' (l. 135) of their insurrection. As Dryden's 'crowd (that still believe their kings oppress)' (l. 727) lift their hands to praise the 'glories' (l. 731) of their false idol, the narrator embarks upon a detailed examination of the various political theories of the location of sovereign authority, and, ultimately, an invective upon the foolishness of trusting in the public ('Whom kings no titles gave, and God no grace' (l. 580)) to judge the interests of the nation.[165] Interestingly, Dryden begins with one of the central tenets of Whig theory, that the natural rights of the people must be protected against arbitrary power:

> What shall we think? Can people give away,
> Both for themselves and sons, their native sway?
> Then they are left defenceless to the sword
> Of each unbounded arbitrary lord:
> And laws are vain by which we right enjoy
> If kings unquestioned can those laws destroy. (ll. 759-64)

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[164] *All for Love* in *The Works of John Dryden*, XIII, Epistle Dedicatory.
[165] See Michael J. Conlon, 'The Passage on Government in Dryden's "Absalom and Achitophel"', *The Journal of English and Germanic Philology*, 78:1 (1979), 17-32.

The narrator allows that there is a risk in the Hobbesian theory that subjects irrevocably transfer all their innate rights to their sovereign, disassociating himself from such a controversial doctrine, and affirming the permanence of the rights and privileges bestowed by nature. However, as Michael J. Conlan first noted, in conceding this 'cause célèbre' at the start, Dryden 'gains a moral frame of reference' for his arguments against 'arbitrarily' altering the natural rights and privileges of the monarch and his heirs:[166]

> Yet if the crowd be judge of fit and just,
> And kings are only officers in trust,
> Then this resuming cov'nant was declared
> When kings were made, or is forever barred:
> If those who gave the sceptre could not tie
> By their own deed their own posterity,
> How then could Adam bind his future race?
> Or how could heavenly justice damn us all,
> Who ne'er consented to our father's fall?
> Then kings are slaves to those whom they command,
> And tenants to their people's pleasure stand. (ll. 765-76)

Instead of any Whiggish notion of power being merely entrusted to kings (and subject to their behaviour), Dryden's rhetorical questions suggest forcefully that all succeeding generations were bound by the original establishment of government, as firmly as they are implicated in the sin of Adam. It is a providential view of history, which, as we have seen, was a well-established approach amongst supporters of the monarchy. Dryden proceeds to employ another customary 'royalist tactic', asserting that 'the king's prerogatives were the best guarantee of the subject's privileges':[167]

> Add that the power for property allowed
> Is mischievously seated in the crowd;
> For who can be secure of private right
> If sovereign sway may be dissolved by might?

[166] Ibid., 21.
[167] Ibid., 26.

> Nor is the people's judgement always true,
> The most may err as grossly as the few,
> And faultless kings run down by common cry
> For vice, oppression, and for tyranny. (ll. 777-84)

These lines overturn the Whig contention that an unalterable hereditary monarchy undermined the freedom and security of the people, implying that the threat of arbitrary rule came from the Whigs' attempt to alter the King's office into a fiduciary power, and not from the Stuart succession. As for the 'people's judgement', the civil war had testified to the sagacity of that:

> What standard is there in a fickle rout
> Which flowing to the mark runs faster out?
> Not only crowds, but Sanhedrins may be
> Infected with public lunacy,
> And share the madness of rebellious times
> To murther monarchs for imagined crimes.
> If they may give and take whene'er they please,
> Not kings alone (the Godhead's images)
> But government itself at length must fall
> To nature's state, where all have right to all. (ll. 785-94)

As Filmer had noted even before the events of 1641, 'Aristotle tells us what judges the multitude are' (p. 32), and we need only look to Roman history for proof. There 'we find many good emperors murdered by the people, and many bad elected by them … [such] monsters of nature were the minions of the multitude, and set up by them' (p. 33). Yet Dryden reminds his readers of the inevitable downfall that awaited a populist autocracy, as they themselves had witnessed. Dryden's passage opened with a renunciation of Hobbesian theory and closes with an evocation of the philosopher's most notorious image, the state of nature, and the anarchy awaiting a rebellious nation.

In comparison to this vision of brutal and indiscriminate carnage, Dryden's emphasis upon the King's 'indulgent' leniency to both his treacherous child and treacherous subjects, serves to rehabilitate the figure of the patriarchal monarch from the severity of Filmer's portrayal, generating

a more sympathetic depiction of fatherly care, which verges upon imprudence. David is interpreted as tragically generous towards Absalom: 'To all his wishes nothing he denied, / … What faults he had (for who from faults is free?) / His father could not, or he would not see' (ll. 33-36). In an allusion to (potentially) two known scandals surrounding Monmouth, David even excuses Absalom's activities 'which the law forebore' (l. 37), 'And Amnon's murther by a specious name / Was called a just revenge for injured fame' (ll. 39-40). Dryden draws an overt parallel between this pretence and the King's clemency to his opponents: 'What millions has he pardoned of his foes, / Whom just revenge did to his wrath expose?' (ll. 323-34). If the nation could persecute a King for such 'mildness' (l. 327), this mercifulness merely affirmed David's divine descent: 'His crime is God's beloved attribute' (l. 328). However, the poem ends with a resurgence of might over mercy from Dryden's David - 'since they will divert my native course, / 'Tis time I show I am not good by force' (ll. 949-50) - and, of course, 'with awful fear / His train their maker in their master hear' (ll. 937-8). In this final speech, Dryden slips in another teasing reference to Milton, as the King likens Absalom's betrayal to Samson's destruction of the house of the Philistines:

> Kings are the public pillars of the state,
> Born to sustain and prop the nation's weight.
> If my young Samson will pretend a call
> To shake the column, let him share the fall. (ll. 953-56)

Yet, once again, Dryden impresses the King's affinity with nature's own desires, which offer a final opportunity for amnesty:

> But O that yet he would repent and live,
> How easy 'tis for parents to forgive!
> With how few tears a pardon might be won
> From nature, pleading for a darling son! (ll. 957-60)

As Dryden (only half-facetiously) confessed in the poem's preface, the conclusion of this version of the tale had yet to be enacted, and the author was not averse to a deviation from the script:

> Were I the inventor, who am only the historian, I should certainly conclude the piece with the reconcilement of Absalom to David. And who knows but this may come to pass? Things were not brought to an extremity where I left the story. (Preface)

The alternative was prophesied by David, who envisages the self-destruction of the disobedient faction in another image of unnatural reproduction, where 'Unsatiate as the barren womb or grave' (l. 987),

> Against themselves their witnesses will swear,
> Till viper-like their mother plot they tear
> And such for nutriment that bloody gore
> Which was their principle of life before. (ll. 1012-15)

Finally, the King's command is endorsed by a divine intervention that confirms the monarch's naturally lawful and righteous authority with a (second) restoration of national harmony:

> He said. Th' Almighty, nodding, gave consent,
> And peals of thunder shook the firmament.
> Henceforth a series of new time began,
> The mighty years in long procession ran;
> Once more the Godlike David was restored
> And willing nations knew their lawful Lord. (ll. 1026-31)

Although Dryden's rendering of the monarchy was less severe than that of Filmer and his Restoration followers, it was equally powerful in its assertion of the sovereign's native sanctity. Throughout *Absalom and Achitophel*, Dryden marshals the biblical narrative to provide a running commentary on the different readings of nature's decreed social structure, which affirms the continuing potency of the idea of the monarch as patriarch within the Tory cause. Meanwhile he seeks to dismantle the Whigs' theory of the natural equality and freedom of mankind and exploit

the coercive capacity of Hobbes's take on nature's terms. It is a distinctive and astute response to the debates surrounding the Exclusion, and the continued contest for control of the moral code of nature.

Dryden *Exul*

Most accounts relate the royal recovery of the final years of Charles II's reign to the practical power inherent in the monarchy, through which, buoyed up by increased revenues from customs and excise as well as subsidies from Louis XIV, Charles simply refused to call another parliament and denied the opposition an effective powerbase. However, as Harris has demonstrated, there was a significant ideological dimension to the recuperation of royal authority following the Exclusion Crisis in that 'the people seem to have accepted the Tory-Anglican vision that the monarchy in Britain was divinely ordained and absolute' - absolute, that is, in a sense that the King did not share his sovereignty with parliament and could not be resisted by his subjects.[168] As Dryden himself remarked of the Whigs: 'Their Tyde of Popularity is spent, and the natural Current of Obedience is in spight of them, at last prevalent'.[169] It was a restitution of peace and order reminiscent of the Restoration twenty years earlier, whereby Charles had 'restor'd His People to their Senses, and made the latter End of his Government, of a piece with the Happy Beginning of it'.[170]

The success of the royal crusade was such that when James finally did ascend to the throne following the death of Charles II on 6 February 1685, he enjoyed 'the universal applause and submission of his subjects'.[171] In the months following, this mood of loyalty in the nation seemed consolidated by two abortive insurgences by the Earl of Argyll in Scotland, and the Duke of Monmouth in Dorset, the latter of whom complemented his rebellion with the publication of a

[168] Harris, *Revolution* (London: Allen Lane, 2006), p. 8
[169] *The Duke of Guise* in *The Works of John Dryden*, XIV, Dedication.
[170] *King Arthur* in *The Works of John Dryden*, XVI, Epistle Dedicatory.
[171] *CSP dom., 1685*, p. 8.

distinctly Whiggish declaration, vowing to reclaim the 'the *Laws* of *Nature, Scripture,* & *Nations*' from the 'Usurpation & Tyranny of JAMES DUKE of YORK' - a '*Murderer*' and '*Traytor* to the *Nation*' with 'popish & arbitrary designes'.[172] Monmouth's attempt was somewhat more successful than Argyll's; however, neither uprising posed a serious military or political challenge to James. Argyll, unrepentant, was executed in Edinburgh, while a grovelling Monmouth was taken to London, and given a bungled beheading, where, according to Evelyn, 'the wretch made five chops before he got his head off' - but that was 'what ambition and want of principles brought him to' (p. 287).

However, the pro-toleration policies that James began to pursue subsequently undermined this hard-won public support. In a series of moves that began with the recruitment of Catholics to the officer corps of an augmented standing army and ended with the king seeking to repeal the Test Acts all together, James aggravated a nation already fearful of a burgeoning European crisis in Protestantism following Louis's revocation of the Edict of Nantes. Incensed by Parliament's disapproval of his plans, the king first prorogued and eventually dissolved Parliament, disabling the strongest allies of his own regime. Instead, James began to court the support of dissenters and former Whigs with the Declaration of Indulgence, an act which suspended all penal laws enforcing conformity and ended the requirement of affirming religious oaths before gaining employment in government office. For the king was 'desirous to have the benefit of the service of all our loving subjects, which by the law of nature is inseparably annexed to, and inherent in, our royal person'.[173] Moreover, when the Archbishop of Canterbury and six fellow bishops protested against reading the proclamation, the king accused them of raising 'a standard of rebellion' and decided to prosecute them for seditious libel.

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[172] James Scott Monmouth, *The Declaration of James Duke of Monmouth* (1685).
[173] James II, *His Majesties Gracious Declaration* (1688), pp. 2, 3.

By June, public reaction displayed the lay of the land. The birth of a son, James Francis Edward, was received with 'very cold and forced' celebrations; in contrast, the acquittal of the seven bishops produced 'rejoicings and bonfires all England over'.[174] The very same day overtures were sent by seven individuals representing the discontented elements among the landed aristocracy, the Church, the army and the navy in England, to William of Orange explaining that 'the people are so generally dissatisfied with the present conduct of the government in relation to their religion, liberties and properties (all which have been greatly invaded)' under James II and would join force with William, if he were to invade England with sufficient military force.[175]

As Lionel Glassey has written, the 'Revolution of 1688-9 has always had the tendency to attract adjectives'.[176] The most familiar, of course, is 'glorious', but those which have enjoyed a vogue amongst scholars have tended to follow a similar theme - 'bloodless', 'conservative', 'moderate', 'reluctant' - portraying the revolution as a relatively tame affair or little more than a palace coup, and quite distinct from the radical credentials bestowed upon the events of the 1640s and 50s.[177] However, through works such as Harris's *Revolution* and Steve Pincus's *1688: The First Modern Revolution,* significantly more consideration is now being given to the radical and revolutionary nature of the events of 1688. Meanwhile, further arguments have been put forward by both Nicholas Tyacke and Mark Knights that we should begin to conceptualise the English revolution (as we do the Reformation) as a cumulative process spanning a long seventeenth century.[178] For, as we have seen, the issues left outstanding at the Restoration 'settlement' were

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[174] Burnet, *Bishop Burnet's History of his Own Time*, 2 vols, I, pp. 754, 744.
[175] Letter of invitation to William of Orange, 1688, Sir John Dalrymple, *Memoirs of Great Britain and Ireland* (1771), App., I, pp. 228-231.
[176] Lionel K. J. Glassey, 'In Search of the Mot Juste: Characterizations of the Revolution of 1688-89' in *The Final Crisis of the Start Monarchy* (Woodbridge: Boydell, 2013), pp. 1-32 (p. 1).
[177] The historiography is surveyed by Steven Pincus, *1688: The First Modern Revolution* (New Haven: Yale University Press, 2011), chap. 1.
[178] Mark Knights, 'The Long-Term Consequences of the English Revolution: Revolution: State Formation, Political Culture, and Ideology', *The Oxford Handbook of the English Revolution*, ed. Michael J. Braddick (Oxford: Oxford University Press, 2015), pp. 518-531; Nicholas Tyacke, ed. *The English Revolution c.1590-1720* (Manchester: Manchester University Press, 2013), Introduction.

revived - albeit in a new form and context - during the crisis of the 1680s, and the competing interpretations that were proffered in the protracted pamphlet war that followed the events of 1688 display the division that still surrounded the issues of sovereignty, society, and the law of nature.

As the anti-theatrical polemicist and nonjuring clergyman Jeremy Collier remarked, 'Though our Gentlemen of the Revolution seem well satisfied with their new Allegiance, yet the Reasons (if not the Degrees) of their Compliance are very different'.[179] For those of a Whiggish inclination, the revolution was construed as a victory, vindicating the principles of civic sovereignty and natural rights. As one anonymous author put it,

> the Law of Nature is the Supreme upon Earth, and the end of all Government is the preservation and well-being of the People, and this late Prince, how absolute and great soever he deemed himself, having by a Dispensing Power nulled and abrogated the Laws, ... entred into Alliance with a Neighbouring King to bring in a Foreign Army, and modelled his own by turning out his Protestant Officers, and bringing in Romanists ... who can imagine but he intended to enslave his Subjects, and set up Popery ... And can any sober Man, after such an ill Administration of Government, be so void of Sense and Reason as to cancel the Law of Nature ... as not to preserve himself, and to be so passive in an unnatural obedience to an unlimited Power, as to be guilty of self Murder, in which he is so tame, as to suffer his Throat to be cut without making any lawful Defence, which God and Nature have provided in great Extremities.[180]

The contractual origins of government as well as the natural law of self-preservation and its corollary right of resistance proved to be almost omnipresent rationalisations in the swarm of pamphlets that presented the Whigs' call for fidelity to the new administration. In so doing, these writers both explicitly evoked and implicitly drew upon figures long familiar to readers of the political press - particularly Milton, Grotius, and Locke - reframing their arguments (in more or less crude terms) to apply to the situation at hand. As George Sensabaugh has documented, Milton contributed to the 'growing Whig power by lending his voice in support of the Williamite cause'.[181] The *Tenure*

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[179] Jeremy Collier, *Animadversions* (1689), p. 1.
[180] *A letter to a member of the high and honorable court of Parliament, concerning the British monarchy* (1689), p. 8.
[181] Sensabaugh, *That Grand Whig Milton*, p. 127.

appeared in 1689 as *Pro Populo Adversus Tyrannos*, an adaptation tailored to uphold the rationale of the Settlement, exhorting men to 'cease out of Faction and Malice to make Outcries and report horrid things of things so just and honourable as our most Renowned Convention hath acted hitherto against our common Adversary', James II, 'the Authority and Power of Self-defence and Preservation, being originally and naturally in every one of them, and united in them all'. A reprint of *Eikonoklastes* came from the press in 1690 to argue against the Jacobite cause by recalling the tyrannies of Charles, forcing a retaliation in defence of 'the royal martyr's sacred memory, from the antiquated calumnies, and fictions, of the villain Milton, as they are lately revived with additions, by the lame bellowing relicts of the bulls of bas[h]an'.[182] And, in 1692, *Pro Populo Anglicano Defensio* also appeared in translation with a foreword indicating its appropriateness to the times, debunking as it was '*the Fallacy of all the Cobweb Arguments made use of by the Flatterers of Princes, to prove their Power*'.

Locke's *Two Treatises* was also finally published in 1689 with a Preface expressly aligning its doctrines with the Williamite regime. Its arguments, Locke writes, being

> sufficient to establish the Throne of our Great Restorer, Our present King William; to make good his Title, in the Consent of the People, which being the only one of all lawful Governments, he has more fully and clearly than any Prince is Christendom: And to justify to the World, the People of England, whose love of their Just and Natural Rights, with their Resolution to preserve them, saved the Nation when it was on the very brink of Slavery and Ruine. (Preface)[183]

As the allegiance contest over the legitimacy of the revolution wore on, the influence of Locke's discourse upon other polemicists becomes visible. One highly popular tract, *Political Aphorisms* (1690), for instance - a quilting of sources deployed to assert the concepts of natural equality, the consensual founding of government, and the right of resistance - borrows 'probably some twenty-

[182] *Our Modern Demagogue's Modesty and Honesty in its True Light* (1690), p. 1.
[183] On the origin of the *Two Treatises*, see Laslett's 'Introduction', pp. 45–66.

five quotations and paraphrases' from *Two Treatise*.[184] The anonymous author states that, although government for 'Mans Utility or Happiness', is 'confirmed by the Consent and Use of all Nations throughout the World; which general *Consent Cicero calleth* Ipsam vocem Naturae ['the very voice of nature']' (p. 2), yet 'the particular Forms or manner of Governments are not of Nature' (p. 2), being left to the people's choice and enacted 'only for the Publick Safety' (p. 5).[185] Moreover, 'No Man can be born an Absolute King', since, 'by the Law of God and Nature, there is no Superiority one above another', therefore 'all Superiority and Authority must, and does proceed from the People' (p. 6) - succession being only 'tolerated (and appointed in the World) to avoid Competition, and Interregnum, and other Inconveniences of Election' (p. 7). As such,

> they have Authority to put back the next Inheritors to Government, when unfit or uncapable to Govern: And also to dispossess them that are in lawful Possession, if they fulfil not the Laws and Conditions by which, and for which their Dignities were given them; ... as when the Prince shall endeavour to establish Idolatry, contrary to the Laws of the Land ... or to destroy the People, or make them Slaves to his Tyrannical Will and Pleasure ... and he who does it, is justly to be esteemed the Common Enemy and Pest of Mankind, and is so to be treated accordingly ... how far the late King James was guilty of this, I leave the World to judge. (p. 31)

Yet surely, after all the 'many eminent Appearances of Divine Providence in our late happy Revolution', how could any man 'repine at this happy and advantageous Change, from an Arbitrary to a Legal Monarchy' - a 'Happiness which our Fathers wished and longed for in King Charles the first's and second's time, but could not obtain' (Preface).

Matthew Tindal, a close friend of Locke's associate James Tyrrell, also produced *An Essay Concerning Obedience To The Supreme Powers* (1694), in which *Two Treatises* is openly recommended twice. The tract echoes Locke's book, firmly embedding the *Two Treatises* in a post-revolution context. Seeking to justify the revolution and refute Toryism, Tindal insists there can be no 'Law

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[184] Mark Goldie, *The Reception of Locke's Politics* (London: Pickering and Chatto, 1999), 6 vols., I, p. 2.
[185] *Political Aphorisms* (1690).

of Nature urged, why any particular person should have a Power over so many Millions of different Families', who are 'by Nature equal, being of the same rank, promiscuously born to the same Advantages of Nature, and to the use of the same common Faculties' (p. 3).[186] Therefore it remains, 'That Government must be derived from Consent' (p. 3), instituted for 'The Care of other Peoples Safety': 'Protecting and securing them from being destroyed or oppressed by one another, as well as by Strangers; and redressing the Grievances of those that are injured, and preventing the like for the future, by punishing Offenders' (pp. 1-2). This reason is 'the sole Motive for submitting to particular persons, so it is the only reason still for continuing Allegiance to them', and 'when this Reason ceaseth, Natural Liberty does return, and then men are obliged for the sake of their own Safety and Preservation to pay Allegiance where it is most for their own Interest and Advantage' (p. 16). They 'are not obliged to have their Throats cut' (p. 34) out of mere loyalty.

Grotius was another author cited in pamphlets aiming to uphold allegiance to William on the grounds of natural law, particularly on the various exceptions in which resistance to a monarch was a viable course of action. One anonymous writer devoted an entire treatise to the subject: *The proceedings of the present Parliament justified by the opinion of the most judicious and learned Hugo Grotius* (1689).[187] Taking a strong line on the French influence at James's court, the author quotes Grotius:

> If a King shall endeavour to give up or subject his Kingdom to another, I doubt not but he may be resisted; for Empire is one thing, and the manner of holding it another, the Alteration whereof the People may hinder, for that is not comprehended under the Notion of Empire it self. To this may that Saying of Seneca be well applied, being in effect the same case, Although an universal Obedience is required to Parents, yet not in those things wherein they cease to act like Parents. (p. 11)

Therefore, 'What Designs have been carried on to alter the Government by subverting the fundamental Laws thereof, and by private Leagues and Combinations with a neighbouring Prince,

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[186] Matthew Tindal, *An Essay Concerning Obedience to the Supreme Powers* (1694).
[187] *The Proceedings of the Present Parliament Justified by the Opinion of the Most Judicious and Learned Hugo Grotius* (1689).

to subject the Kingdom to his Power by admitting of a foreign Army into it ... add to those many other weighty Inducements, which the People had, to proceed by such Measures as the Wisdom of the Nation has thought fit' (p. 13), having 'a Right to defend' their 'natural liberty' (p. 11). It is contrary to the 'fundamental Law of Nature and Reason' that kings 'be Jure divino, and consequently their Power absolute' (p. 8). Besides, quoting Grotius again: 'If a King or any other Superior Magistrate shall abdicate or manifestly desert the Government, any thing may be lawfully done against him that may be done against a private Person' (p. 13).

A variety of other writers, though less thorough in their references, also sought to claim Grotius's posthumous support for the proceedings of parliament. The Quaker minister, Richard Claridge, in a sermon preached in Worcester on 6 October 1689 maintained that, though he 'would have the King have all the Security that ... the Hearts and Hands of his Subjects can give him', yet 'there are many Cases (as the Learned Grotius shews) wherein Resistance is Lawfull', as when a king ' Alienates the Kingdom, or makes War upon his People, or invades their Property', all of which James had patently done.[188] The lawyer, William Atwood, published a tract stressing that, contrary to any of 'Sir *Robert Filmer*'s absurd Notions of Government', Grotius 'establishes it upon the only true Foundation, the Choice of the People, that *Original and Supreme Act of the Society, antecedent to all Positive Laws in it*' (p. 101). For 'what Freedom or Liberty is due to any Man by the Law of Nature, no inferior Power can alter, limit, or diminish' (p. 17). Certainly, ''Tis well known to have been Grotius his Opinion, That if the Supream Government be part in the People, or Senate, and part in the King: If the King invade what is not his Right, he may be oppos'd with just Force, because he hath not so far any Supremacy' (p. 23).[189] Timothy Wilson also names 'Grotius' as a foremost authority testifying that national governors 'are not possessors of an unbridled Power, but with such as is for the safety of their Subjects' (p. 36), and if 'Governors hurt the very Light of

[188] Richard Claridge, *A Second Defense of the Present Government under K. William and Q. Mary* (1689), p. 26.
[189] William Atwood, *The Fundamental Constitution of the English Government* (1690).

Nature, have constantly defended themselves by force of Arms, when their Princes have turned Tyrants, and by their Instruments sought to spoil them of their Liberties, Privileges and Estates' (p. 39). In aiding and abetting this cause, gratitude not hostility was due to the Prince of Orange, who, 'under God, hath been the great Instrument of our Deliverance from Popish Tyranny, and Slavery' (p. 42).[190] Even some Tories subscribed to such arguments. Thomas Long, for instance, affirmed that when a King was 'studiously bent on the Alteration and Subversion of the Government' (p. 21), in such a case 'we must recur to the Law and Dictates of Nature for preservation of our selves and the common welfare against unfaithful and cruel Men' (p. 11); for 'Grotius ... thinks, that in this utmost extremity, the use of such defence ... as a last refuge, is not to be condemned, provided the case of the common good be preserved' (p. 36).[191]

Another aspect of Grotian theory was also popular amongst Williamite Tories - particularly those looking for a suitable doctrine to stave off the charge of hypocrisy and check the trend of Whig republicanism. Instead of focussing upon resistance, the broad claim brought forward by these actors, in a range of permutations, was that William had a recognised title to the throne won by right of conquest in a just war. Such a case had the advantage not only of proving the cessation of James's right to the throne but also of specifically proving William's. Goldie has long since established Edmund Bohun's 'systematic', 'unequivocal' and 'conscious' dependence on Grotius in this context.[192] Bohun declared that William 'had a just Cause to make War upon James II' upon precisely the grounds that Grotius himself had maintained to be viable justifications: the recovery of property, the punishment of wrong, and the restitution of law. For according to Bohun, James had unlawfully deprived William of his hereditary property (as the title of 'their Now Ma[jes]ties is a Hereditary Succession: Acquired by a just and reasonable conquest of the late King James, who

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[190] Timothy Wilson, *Conscience Satisfied* (1690).
[191] Thomas Long, *A Resolution of Certain Queries Concerning Submission to the Present Government* (1689). See also: *The Historian Unmask'd* (1689), and *A Full Answer to all the Popular Objections that have yet Appear'd, for Not Taking the Oath of Allegiance to their Present Majesties* (1689).
[192] Goldie, 'Edmund Bohun and Jus Gentium in the Revolution Debate, 1689–1693', *The Historical Journal*, 20:3 (1977), 569-586 (576)

apparently endeavored to cutt off that Title') - a logic based on both the widespread suspicion regarding the illegitimacy of James's son, and on the belief that William shared his wife, Mary's, right to the crown, owing to their mutual lineage from Charles I.[193] Bohun also asserted that while subjects had no right to seek reparation from their monarch, nevertheless (following Grotius) a foreign sovereign could depose a tyrant in another nation (William 'by favour of God upon his Arms might lawfully pull these Tyrants from their Thrones').[194] Bohun was not the only one to hold such views. Others, including the judge and writer Sir Francis Grant (Lord Cullen), also asserted that to 'preserve neighbouring Subjects from ruin in their Religion, Lives, Fortunes, and Liberties … is a pious and most just cause of War' (pp. 17-18). Moreover, it is 'not only Lawful but also [a] Duty by the Natural Law', for 'we are Cousins by Nature' and the 'state [is] happy where every one thinketh an others injury, his own' (p. 19).[195] As 'Grotius concludeth, Latissime patens est hominum inter se Conjunctio qua vel sola ad opem ferendam sufficit. But the Conjunction of the same Faith also, addeth to, and maketh Indispensible this Natural Bond of Amity; For we ought to lay down our Lives for the Brethren' (p. 19). Furthermore, Grant declares, Grotius had proved the 'Justness of a War for punishing' such offences as these, and 'the very making war on K. J. is (in part) a punishment' (p. 24):

> Whence the Learned Hugo, *Sciendum quoque, est Reges, aut qui parregibus jus obtinent, jus habere paenas poscendi, non tantum ob injurias in se commissas, sed & ob eas quae ipsos peculiariter non tangunt; sed in quibus vis personis jus naturae aut Gentium immaniter violantibus* ['It is proper also to observe that kings and those who are possessed of sovereign power have a right to exact punishment not only for injuries affecting immediately themselves or their own subjects, but for gross violations of the law of nature and of nations, done to other states and subjects'] (p. 24)

Thus, 'the power of punishing is not an effect, proper to civil Jurisdiction; but comes from the Law of Nature', 'Whence it necessarily follows, that this war (as Punitive of K. J.) was most Just' (p. 25).

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[193] Edmund Bohun, *The Doctrine of Non-Resistance* (1689), p. 5.
[194] Bohun, *Three Charges Delivered at the General Quarter Sessions holden at Ipswich* (1693), p. 13.
[195] Francis Grant, *The Loyalists Reasons for his Giving Obedience* (1689).

For those who remained loyal to James II, the situation was conceived somewhat differently, as they expressed their abhorrence that the natural sovereign of the nation could be betrayed by those subjects bound to serve his paternal and patriarchal authority. To take the words of Theophilus Downes,

> it is founded upon the Law of Nature, which gives the Sovereign Power a Right to the Allegiance of every one, who is born under the Jurisdiction of it. As every Son is born a Subject to his Parents, and is by the Law of Nature obliged to honour, and obey, assist, and support them: So also is he born a Member of the Body Politick, and by consequence a Subject to the Soveraign of it, and accordingly by the same eternal Law is bound to pay all Faithful Service and Obedience to him, when he is in a Capacity to perform them. (p. 16)[196]

For the Jacobites, the notion that every man was born free was 'meer Figment', it being plain that 'Subordination among Men is from the Dictate of Nature, and not meerly from the Arbitrary pacts of Men' (p. 33).[197] Thus it was not James II who had brought chaos upon the nation, but the people themselves:

> how Men can be obliged from the Principal of Self-preservation, to resist the injurious and destructive Dealings of the higher Powers, by repelling Force with Force, when such Resistance … evidently tends to … the Destruction of the whole Community is not easily to be apprehended, nor at all to be believed (p. 40).

As for the Prince of Orange, Robert Jenkin made the Jacobite perspective perfectly plain: 'no Usurpations can extinguish the Right and Title of a Natural Prince'. Such usurpers, 'though they have the possession of the Supreme Power, yet they have no Right to it', and, while 'Providence secures the Persons of such deposed and banished Princes from Violence, he secures their Title

[196] Theophilus Downes, *A Discourse Concerning the Signification of Allegiance* (1689).
[197] Lewes Sharpe, *The Church of England's Doctrine of Non-Resistance* (1691).

too'.[198] From this viewpoint, William's conquest was not a justly warranted salvation of English liberty, but an outright invasion condemning the nation into slavery; or so claimed Collier:

> Who would have thought that these Keepers of the Liberties of England, who declaim'd so heartily against Arbitrary Power … [should] set all their Wits on work to make us as great Slaves as those in Turkey? For that this glorious Condition is the Consequence of Conquest, is a Truth so obvious to collect, that a very little Reasoning will make it undeniable.[199]

Yet it was not William who provoked the most enraged response from the loyalists, but Mary. As Christopher Gabbard has written, 'Jacobites generally construed the Glorious Revolution and its aftermath as a disruption in the Stuart royal household, a kind of family tragedy ending in what they believed was an evil daughter's triumph'.[200] For them, the aberrant events of 1688-89 were a carefully orchestrated revolt by Mary against her father, successfully subordinating her husband along the way. In the aftermath of the crisis, when William was often absent on long military campaigns in Ireland and Flanders, Mary assumed many administrative tasks, and the fact that she frequently was the governing monarch (acting, in their opinion, 'So proud and so silly') justified Jacobite opinion that the revolution had redounded to her benefit.[201] Such a perceived betrayal enabled critics of the new regime to portray Mary as an unnatural daughter who had subverted patriarchal order in pursuit of her lust for power. To quote one popular poem, *The Female Parricide* (1689),

> Oft have we heard of impious sons before
> Rebelled for crowns their royal parents wore;
> But of unnatural daughters rarely hear
> 'Till those of hapless James and old King Lear.
> But worse than cruel lustful Goneril, thou!
> She took but what her father did allow;

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[198] Robert Jankin, *The Title of an Usurper* (1690), p. 29.
[199] Collier, *Animadversions*, p. 1.
[200] D. Christopher Gabbard, '"The She-Tyrant Reigns": Mary II and the Tullia Poems', *Restoration* 25:2 (2001), 103-116 (103).
[201] *The Female Regency* (1690) in *Poems on affairs of State*, ed. George de Forest, 7 vols (1963-75), V.

> But thou, more impious, robb'st thy father's brow.
> Him both of power and glory you disarm,
> Make him, by lies, the people's hate and scorn,
> Then turn him forth to perish in a storm.
> Sure after this, should his dead corpse become
> Exposed like Tarquin's in the streets of Rome,
> Naked and pierced with wounds on every side,
> Thou wouldst, like Tullia, with triumphant pride
> Thy chariot drive, winged with ambitious fire,
> O'er the dead body of thy mangled sire.

The tale of Tarquin and Tullia from Livy's *History of Rome* was a favourite amongst Jacobite satirists, who even managed to interpret the official coronation medal (ostensibly portraying Jupiter and Phaethon) as a depiction of the myth. However, the parallel was inaugurated and given its most extensive treatment in Arthur Mainwaring's *Tarquin and Tullia* (1689), the opening of which seems almost to parody Dryden's *Absalom and Achitophel*:

> In times when Princes cancelled nature's law
> And declarations (which themselves did draw)
> When children used their parents to dethrone
> And gnawed their way like vipers to a crown.[202]

Then did Tullia (this 'haughty female') use 'all arts her father to depose' – 'A father always generously bent', even when 'his daughter hasted his defeat, / When faith and duty vanished, and no more / The name of father, nor of King, he bore'. Alas,

> The elder Tullia, who (some authors feign)
> Drove o'er her father's corpse a trembling wain.
> But she, more guilty, numerous wains did drive
> To crush her father, and her King, alive;
> In glad remembrance of his hastened fall
> Resolved to institute a weekly ball;
> She, jolly glutton, grew in bulk and chin,
> Feasted on rapine and enjoyed her sin;
> With luxury she did weak reason force,
> Debauched good nature, and crammed down remorse.

[202] Arthur Mainwaring, *Tarquin and Tullia* (1689) in *Poems on affairs of State*, V.

> …
> Rebels were sainted, foreigners did reign,
> Outlaws returned, preferments to obtain,
> With frogs and toads and all their croaking train.
> No native knew their features nor their birth;
> They seemed the greasy offspring of the earth.

Mary's lack of grief at her father's 'abdication' (as the Convention eventually decided to phrase it), was a sticking point. Even Evelyn recorded his disapprobation, noting that almost everyone was expecting that she 'would have shewed some (seeming) reluctancy at least, of assuming her father's crowne & made some apologie, testifying her regret, … but nothing of this appeared, she came into [Whitehall] as to a wedding, riant and jolly' – her 'carriage was censured by many' (p. 320). The queen's alleged wantonness on this front was often developed into insinuations of sexual debauchery, as in *The Duchess of York's Ghost* (1691). Here a lusty, hedonistic Mary is busy contemplating 'the gallant youths she'd seen, / Whose brisk ideas feed her warm desire, / And fancy adds more fuel to her fire', before being rudely accosted by the ghost of her mother, chastising the queen for her unnatural treachery, which even the basest of races would condemn:

> So great a monarch to be brought so low,
> And his own children strike the fatal blow,
> Distracts his soul, and breaks his heart with woe;
> Go learn of Afric monsters nature's law,
> Whose sacred ties those savage brutes do awe.[203]

It has even been suggested that Dryden's own translation of Juvenal's sixth satire contains an oblique allusion to Mary II, in which Dryden uses the Roman poet's charges against women's unnaturalness to highlight the domestic and political unnaturalness of the new monarchical arrangement, laying 'emphasis on crimes against nature's laws' and 'focusing on Mary's role'.[204] However much we choose to infer from the passage in question politically speaking, it is a

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[203] *The Duchess of York's Ghost* (1691) in *Poems on affairs of State*, V.
[204] Tanya Caldwell, 'Dryden's Sixth Satire of Juvenal and the Sexual Politics of Monarchy', *PQ* 75:1 (1996), 23-42 (32).

considerable expansion of the original on Dryden's part, as he indulgently exploits the opportunity to further travesty Juvenal's '**imperious wife**' (emboldened text denotes Dryden's expansions). For, 'though, perhaps, she loves with equal fires, / **To absolute dominion she aspires**', and Dryden relishes exaggerating her sway over her beseeching husband:

> **"Go drag that slave to death"! Your reason? Why**
> **Should that poor innocent be doomed to die?**
> **What proofs? For when man's life is in debate**
> **The judge can n'er too long deliberate'.**
> **'Call'st thou that slave a man?' the wife replies;**
> **'Proved or unproved the crime, the villain dies.**
> **I have the sovereign power to save or kill,**
> **And give no other reason but my will'.**
> Thus the **she-tyrant** reigns, till pleased with change
> Her **wild affections** to new empires range.[205]

Justice and womanhood appear farcically incongruous, as Dryden's explosive Roman matron overrules all reasoning on her husband's part.

Such a reference would be in keeping with Dryden's teasing and elusive mode of representing himself, especially after the revolution, when the work of translation provided Dryden with both a modest income, and the opening for a kind of commentary upon contemporary England different from the aggressively outspoken forms which he had developed under Charles II, and which were no longer safe under William III. After the flight of James II, Dryden found himself not only in difficulty, but, potentially, in danger. Having converted to Catholicism in or just before 1685, he was unable to take the oath of allegiance to William and Mary, consequently losing his positions as Poet Laureate and Historiographer Royal and was replaced by his inveterate enemy: the staunchly Whiggish Thomas Shadwell. Shadwell gloated over 'the late Loyal Poets', 'still so fond of the Doctrine of Passive Obedience and Non-resistance', who could not admit the plain 'Common Sense' of the fact that when 'the Compact on which Government is founded is broken,

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[205] *Sixth Satire of Juvenal* in *The Poems of John Dryden*, IV, ll. 308-317.

and those very Laws destroy'd, which were made to secure the People in their Estates, Liberty and Religion, the Law of Nature must take place, which not only permits, but obliges Mankind to Self-defence'.[206] Yet Dryden courteously entreated his audiences in the Prologue to *Amphitryon*: 'blame not me for adhering to a lost Cause; and judging for my self, what I cannot choose but judge; so long as I am a patient Sufferer, and no disturber of the Government'.[207] However, if Dryden would not overtly broadcast his opposition or directly encourage disobedience to the new order, through his careful selection of poems for translation, and through sly additions and asides, he manages to fashion an acerbic if intermittent chronicle of its proceedings. In Dryden's translation of Juvenal's third satire, for instance, his derision for the Williamite regime was clear:

> Since Noble Arts in *Rome* have no support,
> **And ragged Virtue not a friend at Court,**
> **No Profit rises from th' ungrateful Stage,**
> My Poverty encreasing with my Age,
> **'Tis time to give my just Disdain a vent,**
> **And, Cursing, leave so base a Government.**[208]

Yet the political insinuations interwoven within Dryden's translations do not always seem to develop the straightforwardly Jacobite assertions one might expect. If we turn to Dryden's final collection, *Fables: Ancient and Modern* (1700), we find a wryly comic commentary upon the ideological quarrels surrounding the revolution, particularly regarding the law of nature, which advances a discretely different verdict from the one to which Dryden had committed himself so forcefully twenty years earlier. This exposition is inspired by, and mediated through, two pertinently selected tales from his medieval predecessors - Chaucer and Boccaccio - drawn into a discourse that the reader is readily invited to recognise. Highlighting the thematic interplay between his translations of Chaucer and Boccaccio in his Preface to the collection, Dryden calls attention to a

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[206] Thomas Shadwell, *Bury Fair* (1689), Epistle Dedicatory.
[207] *Amphitryon* in *The Works of John Dryden*, XV, Dedication.
[208] *Third Satire of Juvenal* in *The Poems of John Dryden*, IV, ll. 39-44.

conspicuous connection between two of their tales: 'Sigismonda and Guiscardo' and 'The Wife of Bath her Tale'.[209] He proceeds to make the disingenuous profession that he 'fell on the same argument' quite 'unawares' (p. 84), but the parallels that become manifest from Dryden's innovative renditions of these two romances belie his insouciance.[210] For, evoking the very same vocabulary of controversial terms that he had recourse to deploy in *Absalom and Achitophel*, Dryden's alterations to both tales can be seen to reopen the debate about the polemical use of natural law rhetoric within the political conflicts of the last half-century, staging a playful, provocative and impassioned vindication of Whig principles through the voices of their two, crucially female, protagonists.

'Sigismonda and Guiscardo' tells Boccaccio's grisly tragedy of the widowed Princess Sigismonda's clandestine love affair with her father's squire, Guiscardo, and the King's subsequent discovery and revenge upon his rebellious daughter, grotesquely serving the heart of her beloved to Sigismonda in a lavish golden chalice. Following this, Sigismonda takes her own life and the distraught king Tancred is left to enact her final wish: burying the lovers together in a public tomb for all to witness. The climax of the narrative is Sigismonda's ardent avowal of the honour of her love in repudiation of her father's charges of her self-degradation, and we can observe immediately Dryden's aim of intensifying the political controversy that underpins the family drama – a reversal, as it were, of the insistently domestic reading of 1688 put forward by the Jacobites. To begin with, for Dryden's Tancred, the greatest insult is not Sigismonda's loss of virtue, but rather her failure to procure a worthy partner in crime. Spitting with sibilance in his rage, Tancred exclaims exuberantly: '**To see thee lie subjected to my slave! / A man so smelling of the people's lee**' (ll. 316-17). The king's abhorrence derives as much from a perception of Sigismonda's social subordination as from her sexual subjection, an emphasis entirely Dryden's own, and Dryden's extrapolations continue to deflate any ideal of monarchal benevolence present within the Italian original. For, although

[209] The remainder of this chapter derives largely unmodified from my MA thesis, see Anouska Wilkinson, 'Natural Law in Dryden's Translations of Chaucer and Boccaccio', *The Seventeenth Century*, 29:4 (2014), 381-402.
[210] *Fables, Ancient and Modern* in *The Poems of John Dryden*, V.

alleging Sigismonda's actions to be an '**unbelieved offence**' (l. 314) to '**so fond a father and so just a prince**' (l. 313), whose 'court received [Guiscardo] first for charity' (l. 318), Tancred claims that Guiscardo:

> **…only suffered where he first was placed-**
> **A groveling insect still; and so designed**
> **By Nature's hand**… (ll. 320-22)

The meter fractures as Tancred abandons the '**royal dignity thus far maintained**' (l. 301), unable to contain the prejudice behind his moral outrage, which is reduced to hollow pretension in a pithy couplet: 'Had'st thou not loved, or loving, saved the shame, / If not the sin by some illustrious name' (ll. 340-41). Also mischievously slipping in a misogynistic slight – '**'Twas frailty, not unusual to thy kind**' (l. 342) - Dryden inaugurates a struggle between father and daughter to define the rhetoric of natural law, which teases out its political resonances. Obviously, Tancred's position is aligned overtly with a stringent Tory viewpoint. Following Filmer and his disciples, 'Nature's hand' is the author both of his supremacy and Guiscardo's servitude, a decree to which all (outward) appearances conform: '**For such was his attire, as with intent / Of nature, suited to his mean descent**' (ll. 349-50). Yet, while Dryden now exaggerates and satirises the superficiality of this conservative diatribe, rendering Tancred humorously horrific, his Sigismonda is, in David Hopkins's words, 'a figure of impressive dignity', who '**boldly justifie[s] her innocence, / And while the fact was owned, denie[s] th'offence**' (ll. 385-87).[211] Indeed, speaking with a powerful cogency that lends credence rather than comedy to her claims, Sigismonda attacks Tancred's '**pretended justice**' (l. 393) and invokes the alternative, Whig conception of natural law as an independent and levelling authority.

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[211] David Hopkins, "John Dryden, *Fables*" in *A Companion to Literature from Milton to Blake*, ed. David Womersley (Oxford: Oxford University Press, 2000), p. 236.

Addressing first the imputations directed at her sex, where Boccaccio's heroine admits her love to be a 'natural peccato', Dryden's Sigismonda asserts her sexual rights: '**Where was the crime**, if pleasure I procured, / Young, and a woman, and to bliss inured?' (ll. 450-1).[212] The question is a case of erotema, which stresses the manifold grounds upon which her argument is based. Unlike the coarse satires upon Mary II's "unnatural" sexual appetites, 'feasting upon rapine and enjoying her sin' - in which any number of courtiers were purported to 'stand for her stallion / (Well gifted with radical moisture)'[213] - with a nod to Montaigne, Dryden's Sigismonda refutes any 'natural' basis for positive strictures upon her desires:

> **State laws may alter, Nature's are the same;**
> **Those are usurped on helpless womankind,**
> **Made without our consent, and wanting power to bind**. (ll. 418-20)[214]

As ever, the movement of Dryden's verse mirrors its import, and the final alexandrine resists its own regimentation just as Sigismonda campaigns defiantly for her own '**liberty indulged with choice of good or ill**' (ll. 509), upholding natural law above the monarchical dictates of her father. Indeed, despite the concession of Dryden's narrator that '**Her fault by common frailty would excuse**' (ll. 385), Sigismonda declares her sex to be '**Of a softer mould, with sense endued…and more than man refined**' (ll. 424-26). As the Longman editors note, 'Sigismonda is claiming a finer-grained awareness of the intellectual, moral and emotional bases of action than Tancred has' (p. 718), which challenges the notion of the patriarch's natural pre-eminence. Moreover, her rational rebuttal calls Tancred to account for his own parental culpability, chastising him as a father '**too fondly kind**' (l. 441) who left her '**pleasures unrestrained**' (l. 438): '**Blame then thyself, as reason's**

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[212] Giovanni Boccaccio, *Decameron*, ed. Vittore Branca (Firenze: Presso l'Accademia della Crusca, 1976), p. 272.
[213] *The Reflection* (1689) in *Poems on affairs of State*, V.
[214] 'Women are not to blame…when they refuse the rules of life that are introduced into the world, forasmuch as the men made them without their consent', Michel de Montaigne, *Essays,* trans. Charles Cotton, 3 vols (1685-86), III, p. 113. Montaigne also refers to the 'Usurpation of sovereign Authority … over the women'.

law requires, / (Since Nature gave, and thou foment'st my fires)' (ll. 443-44). Quite a comeback for the Tories' usual line upon the poignantly indulgent monarch and his ungrateful charges. Tancred, it would seem, will not be given the same treatment as Dryden's David.

Continuing upon this tack, in Dryden's version, Sigismonda's choice of lover is also developed into contentious interrogation of the nature of true nobility, and its connection with birth and blood – a debate which throughout the seventeenth-century was shifting to support 'the aims and directions of the ... absolutist state'.[215] Indeed, Dryden's Absalom repined fatalistically 'at heaven's decree', which 'scanted' him with 'a niggard birth', and 'betrayed' his virtues to 'a mean descent', thus denying him any claim to kingly greatness. However, Sigismonda repudiates this belief, as Dryden allies her view of natural law as an authority that transcends society's constraints with civic values and hereditary hierarchies. For Sigismonda asserts Guiscardo to be born "**of celestial race**" (l. 521), whereby:

> **Warmed with more particles of heavenly flame,**
> **He winged his upward flight, and soared to fame;**
> **The rest remained below, a tribe without a name.**
> This law, though custom now diverts the course,
> As Nature's institute, is yet in force. (ll. 514-18)

Reminiscent in sentiment of one of Milton's quotes from Horace - 'The Power that did create, can change the Scene / Of things, make mean of great, and great of mean; / The brightest Glory can Eclipse with Night, / And place the most obscure in dazling Light' – Dryden's metaphoric passage has no equivalent in Boccaccio. Equally, earlier in the narrative, Dryden amplifies Boccaccio's description to pronounce Guiscardo as one

> **With all the gifts of bounteous Nature crowned**;
> Of gentle blood, **but one whose niggard Fate**
> Had set him far below her high estate. (ll. 48-50)

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[215] Ellery Schalk, *From Valour to Pedigree* (Princeton: Princeton University Press, 1986), pp. 128-29.

As Sigismonda defends her preference through natural law, now society is a feudal 'tribe', Fate a 'niggard' savage, and 'he commits the crime who calls [Guiscardo] base' (l. 522). Dryden's embellishments to Sigismonda's speech demonstrate that the terms evoked to justify social supremacy could just as easily be used to validate social equality. Much as Cicero stated that 'neither Nature nor any god has bestowed upon man aught more noble than mind', and Grotius that 'nobility is born of virtue alone', Sigismonda too proclaims that '**true nobility is of the mind**' (l. 561), and Dryden relishes the irony provided by rendering Tancred's denial of Guiscardo's innate virtue hypocritical, for 'Thy praise **(And thine was then the public voice)** / First recommended Guiscard to my choice' (ll. 533-34).[216] Furthermore, departing from Boccaccio again, Dryden draws our attention to the impact of these indictments upon the king's moral authority:

> **His poverty augments thy crime the more**
> **Upbraids thy justice with the scant regard**
> **Of worth**... (ll. 548-50)
>
> **Are these the kings entrusted by the crowd**
> **With wealth to be dispensed for common good?** (ll. 551-52)[217]

In Sigismonda's eyes, kingship constitutes precisely the kind of social contract expressed by the Whigs and ought to be held in check by natural law and the people. Contrary to Dryden's depiction of the untrustworthy 'fickle crowd' in *Absalom and Achitophel*, here it is the monarchy whose constancy and righteousness is under question. The sheer length of Sigismonda's speech - treated

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[216] Cicero, *De Senectute*, trans. Andrew Peabody (Boston: Brown, 1887), p. 30.

[217] Dryden's use of the word 'crowd' here is ambivalent. Usually employed by Dryden in a derogatory context (cf. *Absalom and Achitophel*, ll. 765, 778), it may be that it adds an extra dimension to Sigismonda's speech that critiques her words surreptitiously. However, it should also be noted that Sigismonda herself evokes the term in her deprecation of Tancred's views on social supremacy, suggesting that the King is not so different from the populace as he might claim: '**(Thy judgement herding with the common crowd)**' (l. 479).

by Dryden with an unusual gravity - lends a persuasive strength to this vision that cannot fail to procure the reader's compassion.[218]

There is also additional evidence that Dryden is seeking to encourage our sympathies towards his heroine's liberal view. Sigismonda's argument is corroborated by one vital detail; unlike her counterpart in Boccaccio, she is in fact married:

> **...too well I knew**
> **What honour was, and honour had his due:**
> **Before the holy priest my vows were tied,**
> **So came I not a strumpet, but a bride.**
> **This for my fame, and for the public voice**. (ll. 404-8)

In contrast to her original, Dryden's Sigismonda triumphantly evades religious censure and highlights her care for the people's opinion. The spiritual legality of her love is further emphasised by intermittent reminders inserted throughout her speech: '**marriage rites**' (l. 415) / '**by lawful means**' (l. 450) / '**as many women wed**' (l. 466) / '**For holy marriage justifies the rest**' (l. 487). Of course, to the dismay of various future commentators from Wordsworth to C. S. Lewis, Dryden delights in bringing the sacred ceremony scandalously close to burlesque (ll. 151-166). Indeed, consumed by passion, the couple are barely conscious of the priest who '**Made haste to sanctify the bliss by law...For fear committed sin should get before**' (ll. 164-66), hurrying away from the scene lest his own '**tempting thoughts**' (l. 172) should take sway. However, even if the affair '**looked so like a sin, it pleased the more**' (l. 180), in terms of validating Sigismonda's later justification of her love, Dryden's modification is a fundamental asset. It removes any concrete grounds for religious condemnation that might negate his protagonist's philosophy of natural law and adds to the speciousness of Tancred's own charges.

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[218] As the tale culminates we are offered a contrary take on events, as Dryden's narrator enforces his own enthusiastically brutal judgment that Sigismonda "**for disobedience *justly* died**" (l. 750). However, the severity of this poetic 'justice' sits so incongruously with the tale's pull of our sympathies that Dryden's ending seems calculated to stimulate an appreciation of Sigismonda's innocence rather than her guilt.

Certainly, if anyone might be accused of deviating sexually from nature's law, it is the king himself. For unlike Dryden's indulgent stance upon David's sexual generosity, which is 'prompted' by 'nature', Dryden now exploits the incestuous undertone of this king's '**barbarous appetite**' (l. 570) and his possessive behaviour towards Sigismonda. Describing Tancred's reluctance to see his daughter married the first time, Dryden's elaborations insist that it was only the pressures of '**public decency**' (l. 17), which forced the '**envying**' (l. 17) king to relinquish '**what was his**' (l. 18), as:

> **With mind averse, he rather underwent**
> **His people's will, than gave his own consent.**
> **So was she torn, as from a lover's side**. (ll. 21-23)

The narrator's wry simile comes salaciously close to unmasking the unmistakable suggestion. Moreover, as we saw in Dryden's portrayal of Achitophel, often "Perversions in the sexual politics of the family provide analogies for corruptions in the power politics of the state", and Dryden's translation clearly plays upon a corresponding theme.[219] Tancred is painted repeatedly as a '**tyrant**' (ll. 108. 199, 131, 288, 595), and even referred to as the '**suspicious prince / Who when abusing power with lawless might**' (ll. 104-5) forged the hidden escape route which provides the means for the lovers' secret assignations. However, it is through the accentuated impropriety of his adjudication of the couple's 'crime' that Dryden most visibly voices scepticism over the monarch's claims of paternal righteousness. For Tancred is unable to exact the punishments of positive law upon his 'darling daughter' (l. 122), motivated both by '**pride**'* (l. 737) and his own natural affection:

> **Nature that gave thee life would have thee live.**
> **But as a public parent of the state,**
> **My justice, and thy crime requires thy fate**
> [...]

[219] Richard McCabe, *Incest, Drama and Nature's Law 1550-1700* (Cambridge: Cambridge University Press, 1993), p. 25.

> Nature's too kind, Justice too severe:
> Speak for us both, **and to the balance bring**
> **On either side the father and the king**. (ll. 357-63)

At Tancred's own admission 'Nature's' and 'My' 'justice' are two very different things, and his treatment of Guiscardo confirms this distinction. Dryden exacerbates the poverty of nobility and honour behind Tancred's version of justice, as he orders his guards mutely to murder Guiscardo. But, '**(slaves to pay) / What kings decree, the soldier must obey**' (ll. 596-97), and rather than serving the public, these soldiers prove:

> **Fit only to maintain despotic power:**
> **Dang'rous to freedom, and desired alone**
> **By kings who seek an arbitrary throne**. (ll. 599-601)

The passage is plainly a winking reference to the standing army debates that had continually fuelled so much controversy, and one in which the monarchy seems to merit all the accusations of tyranny it has received from the pens of Whiggish pamphleteers - Locke in particular having argued that being 'all in one community of nature, there cannot be supposed any such subordination among us that may authorize us to destroy one another' (II, 6) unjustly. Engaged creatively with such arguments, Dryden brings these turbulent disputes to bear upon Boccaccio's tale, using his original as a way to reflect upon both nature and power. Above all, it seems to stimulate awareness of a pointedly Whiggish natural law that is universal and accessible, which survives outside custom and convention, and which affirms individual moral liberty and equality of worth, much to the detriment of monarchical dignity. Unlike Dryden's representation of Absalom's uprising against his father and the crown as a corruption of the natural order, Dryden's Sigismonda is a daughter (not unlike the Whigs' Mary II) who stands up to her father's absolutist doctrines, ridiculing their loyalist stance on nature's laws.

Initially, we might perceive Dryden's version of Chaucer's 'The Wife of Bath her Tale' to be a fable of a decidedly different temperament, in which Dryden appears to return to his politics of old: mocking the notion of parliamentary sovereignty as a morally superior form of government and caricaturing female leadership as a farce. The narrative relates the story of an *errant* knight, reprimanded for rape by being sent upon an *aventure* to discover what women most desire. Delivered the answer - sovereignty - by a mysterious yet loathly lady, the knight escapes with his life but is forced to take the aged hag to be his wife. With the knight suitably repulsed, come the wedding night, the hag offers her husband a choice: to take her old, ugly and faithful, or young, beautiful and almost certainly disloyal. Finally, the knight elects shrewdly to leave the decision to his wife and magically the hag becomes young, beautiful and true, at which point the tale seems to be more one of whimsical wish-fulfilment than political debate. Yet this is a romance characterised by self-consciousness, irony and parody. Indeed, what Dryden's translation renders even more pronounced is the tale's own questioning of the values that the romance tradition implicitly advocates: blood, birth, and wealth. In the end, this apparently capricious tale comes to espouse the very same concerns as those that lie at the heart of 'Sigismonda and Guiscardo'.

To begin, however, Dryden's treatment of the rape departs from Chaucer seemingly to incline the reader to take a more lenient view of the chivalric hero's initial misdemeanour. Much like Dryden's resourcefully risqué interpretation of David's 'promiscuous use' of the female 'slaves' that attend his royal bed, when the knight comes '**pricking o'er the plain**' (l.47) - imitating the naively enthusiastic Redcrosse from the warmly humorous opening of Spenser's *The Faerie Queene* - his crime too appears more comic than cruel:

> It happened as he rode, **a damsel gay**
> **In russet robes to market** took her way;
> **Soon on the girl he cast an amorous eye,**
> **So straight she walked, and on her pasterns high;**
> **If seeing her behind he liked her pace,**
> **Now turning short he better liked her face:**

> **He lights in haste, and full of youthful fire**
> By force **accomplished his obscene desire**.* (ll. 49-55)

Where in Chaucer the incident receives relatively scant detail ('He saw a maid walkyng him before/Of which maid anon, maugre her head/(By very force) he biraft her maidenhed'), Dryden's elaborations verge voyeuristically upon adopting the knight's perspective.[220] The narrator invites us to take account (as Sigismonda argued) 'of youthful fire' and to view his act as a victory 'accomplished', before apparently remembering to condemn the knight's 'obscene desire'.

Yet, after the reader has been made almost party to the offence, in this tale there is no evasion of the people's voice, for '**swarming at his back the country cried, / And once in view they never lost their sight**' (ll. 58-9). Dryden's verbal flourishes exacerbate the retaliation of the haranguing multitude to the extent that as the knight is 'seized', '**pinioned**' (l. 60) and brought for punishment, the reader is more disposed to empathy than glee. However, in Dryden's handling of the court scene, which is calculated indubitably to generate contemporary resonances, the law remains absolute, for Arthur (unlike Tancred) is a moral authority of unimpeachable rectitude. Indeed, erecting an explicit contrast to the present, Dryden adds the quip, '**Then courts of kings were held in high renown**' (ll. 61-62), and Arthur '**No bad example to his poets gave**' (l. 65). Accordingly, the king displays an incorruptible objectivity in his dispensation of justice:

> **Now what should Arthur do? He loved the knight,**
> **But sovereign monarchs are the source of right;**
> **Moved by the damsel's tears, and common cry**,
> He doomed the brutal ravisher to die. (ll. 69-73)

The question appears to be a genuine aporia, yet Dryden's additions insist upon displaying monarchic sovereignty as a fair and virtuous form of government and the sentence is delivered in a tone of hyperbolic severity.

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[220] All quotes from Chaucer are taken from the printing at the back of *Fables*.

However, no sooner is this realm's model of legality exemplified, than justice seems to be reduced to a capricious game, due entirely to the united rights of civic and female interference. For it is the king here who is '**to nuptial ties a slave**' (l. 65), being forced to relinquish all power over the knight's fate to the '**queen and female parliament**' (l. 83), who '**cannot blood without a sigh behold**' (l. 91), and yet relish every moment in exercising their '**avenging hand**' (l. 95):

> **This gracious act the ladies all approve,**
> **Who thought it much a man should die for love;**
> **And with their mistress joined in close debate**
> **(Covering their kindness with dissembling hate)**
> **If not to free him, to prolong his fate**. (ll. 77-81)

Now rape appears wildly misconstrued as "love", and the parenthesis exposes punishment as a performance drawn out for amusement. Finally, rather than keeping the king's behaviour in check or administering any ethically sound ruling, the knight is to be sent on a ludicrous, penitential pursuit to solve a question, the answer to which the queen freely confesses '**thy judges are at strife**' (l. 98). Throughout the knight's frantic hunt, Dryden further strengthens Chaucer's emphasis upon the distinct gender battle underway, with a miscellany of references categorising women as the '**Sex**' (ll. 97,129, 135, 153, 234, 285), the '**Female Kind**' (ll.124, 90, 118, 134), and the '**offended Race**' (l. 89), as they assert their power over their victim. However, while the romance ethos of male force concedes comically to female maistrie, the political inflections of Dryden's translation seem to mock rather than approve this transformation. These are women who would, like many Whig jurors were accused of doing, '**rather wrest the laws / Than let a sister-plaintiff lose the cause**' (ll. 307-8). Indeed, Dryden seems to cultivate our compassion for the '**fearful**' (l. 116), '**anxious**' (l. 119), '**misdoubting**' (l.116) knight and his subjection to the unreasonable caprices of woman's will: '**'Twas hard the truth of such a point to find / As was not yet agreed among the kind**' (ll. 117-118). Thus, in contrast with 'Sigismonda and Guiscardo', Dryden appears to be holding the advocates of parliament's sovereignty to account for their own ambiguities, highlighting the

practical difficulties of defining, in Milton's words, those of 'the uprighter sort', who might be honestly relied upon to represent the people, to administer the 'Law of nature and right reason' and 'judge as they find cause'.[221] As Filmer scathingly put it: 'If the *sounder, the better, and the uprighter* part have the power of the people, how shall we know, or who shall judge who they be?'.[222]

However, Dryden's apparent vilification of female rights and the ethos of civic sovereignty is, it would seem, a creative ruse, building up to a spectacular reversal in sentiment through which Dryden accentuates the liberal values that form the climax of Chaucer's narrative. For as Dryden's '**despairing**' (l. 209) hero is rescued from his dilemma by the '**liquorish hag**' (l. 319), his indignant protestations against their decreed marriage fall on deaf ears. Instead, with a tone of savoured retribution the smiling hag entraps her bedfellow in '**quivering arms**' (l. 347), and voices the moral reprisal that is left unspoken in Chaucer:

> **When you my ravished predecessor saw,**
> **You were not then become this man of straw;**
> **Had you been such, you might have scaped the law**. (ll. 347-350)

Accosted in one of Dryden's rapid triplets, the knight's initial crime is brought finally into perspective, and all the tale's previous comedy at the expense of women and communal rule is forgotten as a female of the lowest social rank articulates the ethics underlying the tale's events. Indeed, counteracting her husband's disgust at her descent from 'so mean a race / **That never knight was matched with such disgrace**' (ll. 368-69), the hag draws upon the lexis of natural law and appeals to a levelling vision of '**reason's rule**' (l. 363) to refute the groom's '**cause of just complaining**' (l. 375). Like Sigismonda and Achitophel, the hag disparages 'nobility of blood' (l. 382) as 'glittering and fallacious good' (l.383), and rescinds all grounds for her husband's sense of entitled superiority. '**[T]rue nobility**' (l. 391), she argues, stems not from the 'vast estates', 'mighty

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[221] Milton, *The Tenure of Kings and Magistrates* in *Works*, III, p. 197.
[222] Filmer, *Patriarchia and Other Writings*, p. 199.

titles' (l. 393) or heroic deeds of a man's ancestors, for '**virtue comes not by inheritance**' (l. 395). It is 'chance' (l. 421) alone – not God - which dictates our birth, and, as 'seed conjoined/Lets into nature's work th' imperfect kind' (ll. 425-26), lineage is no guarantor of goodness. Rather, '**The nobleman is he…[of] inborn worth, unborrowed from his kind**' (l. 385). This dignity is conferred by the 'grace of heaven' (l. 447) and is dependent not upon material wealth but upon 'the riches of the mind' (l. 464). As such, it is accessible to all diligent and patient enough to strive for its rewards:

> Thus from captive Servius Tullius rose,
> **Whom for his virtues the first Romans chose;**
> **Fabricius from their walls repelled the foe,**
> **Whose noble hands had exercised the plough**. (ll. 448-51)

Here (ironically) Dryden employs the classical exemplum of Tullia's father - the slaved turned proto-republican King of Rome, Servius – and the incorruptibly ascetic general, Fabricius, to validate the hag's conception of natural law as a doctrine that empowers the individual and contests the bias of birthright. Milton too had famously championed this equalising stance, declaring 'sons of the soil', those 'self-made men who follow the course of true nobility through toil and rectitude … bear comparison with the noblest of men'.[223] When evaluating the scenario in this light, as the hag convincingly declares, the knight has proven only his '**infamy and villeinage**' (l. 443), and if the match between the pair is unbalanced, it is she and not the knight who is abased.

At last, it would seem, Dryden's connection between the heroines of Chaucer and Boccaccio's tales becomes distinct, and, throughout the hag's commanding and convincing lecture, the verbal parallels to Sigismonda's speech are irrefutable:

> **But of a softer Mould, with Sense endu'd.** (S&G, l. 424)
> **But as our Kind is of a softer Mold**. (WOB, l. 90)
>
> **Blame then thy self, as reason's law required.** (S&G, l. 443)

[223] Milton, *Defence* in *Complete Prose Works*, IV, p. 319.

> **If not your wife, let reason's rule persuade**. (WOB, l. 363)
>
> Now lay the line; and measure all thy court,
> By inward virtue, not external port. (S&G, ll. 523-4)
> The nobleman is he whose noble mind
> Is filled with inborn worth, unborrow'd from his kind. (WOB, l. 384-5)[224]

Using the very same set of terms, this concentration of linguistic patterning leaves Dryden's statement that he had not recognised the correspondences between the tales seeming highly dubious. Rather, his repetitions reinforce the vigour of both women's arguments, and further suggest a deliberate intent to magnify the political implications of his heroines' speeches, allowing their liberal visions of a natural law that can affirm the sovereignty of any citizen to generate an unmistakably provocative impact.

Present in both these translations then is a compelling strand of thinking regarding natural law that seems to contradict all the loyalist, Tory values that Dryden tried so strenuously to establish in *Absalom and Achitophel*. The established scholarly consensus is that Dryden remained until the end an unrepentant and unreserved supporter of these values. It is certainly asserted that Dryden was an ardent Jacobite, performing his own 'act of heroism' for the cause by refusing to dedicate his *Aeneis* (1696) to William. Yet, the analysis of this chapter has demonstrated Dryden as poet who (whatever his private beliefs) was at the very least capable of arguing with remarkable force for the ideological integrity of the Whig's political stance on the law of nature rather than the conservative outlook formerly accepted as his own. This may not indicate any change of underlying political loyalty on Dryden's part. As Cedric Reverand has written, Dryden's *Fables* 'abound with alter-egos' that try and test the personal convictions promoted in his earlier poetry, and which also deliberately

[224] See also: 'And thus compar'd, the rest a base degenerate line' (S&G, l. 528) / "Such is not man, who mixing better seed / With worse, begets a base, degenerate breed' (WOB, l. 414-5); '**But if thou shalt allege, through pride of mind**' (S&G, l. 545) / '**Your ancestors who puff your mind with pride**' (WOB, l. 392); '**His poverty augments thy crime the more; / Upbraids thy justice** …' (S&G, ll. 548-9) / 'If Poverty be my upbraided Crime' (WOB, l. 458).

contradict one another.[225] It might be suggested that for Dryden writing poetry after the revolution of 1688 was not quite the same as writing it before. That without a firm political objective in sight - at least not in any narrowly partisan sense - Dryden was permitted finally the freedom to indulge in the reciprocal flow of ideas that constitutes the act of translation. However, to put speculation aside, what this chapter has demonstrated conclusively is the attention and significance Dryden placed, in both *Absalom and Achitophel* and *Fables,* upon the debates surrounding the law of nature that characterised much of politics of both the Exclusion Crisis of the 1680s and the revolution of 1688.

[225] Cedric D. Reverand II, "The Final 'Memorial of My Own Principles': Dryden's Alter Egos in his Later Career' in *John Dryden: Tercentenary Essays*, ed. Paul Hammond and David Hopkins (Oxford: Oxford University Press, 2000), p. 288.

3

Nature, Religion, and Non-Conformity

Aside from the question of sovereignty, another debate in which natural law featured prominently during the seventeenth century was that surrounding religious liberty. However, in the extensive range of scholarship that has been written in recent decades on the development of toleration during the period, the importance of natural law in shaping this discussion has gone largely unrecognised. In a recent collection of essays addressing the significance of natural law within various defences of toleration set forth in the late 1600s, or the 'early Enlightenment', Jon Parkin emphasised the 'need to think harder about the intellectual matrix surrounding and suffusing discussions of toleration', particularly its 'theological architecture', and the deeply complex relationship that existed between 'natural reason' and divine 'revelation' (or grace).[226]

Following this cue, the tensions surrounding the exact role of the law of nature within Christianity, and especially the relationship between reason and revelation, will form the central focus of the following chapter. However, instead of concentrating on the quest for tolerance, this chapter will illustrate how natural law became a useful concept for those wishing to justify Anglican uniformity and the persecution of nonconformists. Distinctly less fashionable than their 'proto-

[226] Jon Parkin and Timothy Stanton, eds, *Natural Law and Toleration in the Early Enlightenment* (Oxford: Oxford University Press, 2013), pp. xii, xiv. Sarah Mortimer has also noted that 'the theological dimension [of the concept of natural law and rights] has been largely ignored' (*Reason and Religion in the English Revolution* (Cambridge: Cambridge University Press, 2010), pp. 8-9).

liberal' counterparts, such defenders of ecclesiastical orthodoxy, and their theological sources, have always been accorded less attention by critics - frequently their writings have been seen as simply a mixture of Augustine and the Old Testament.[227] Moreover, there has been a sense that the Church's advocates were largely practical in their case against dissent.[228] Of course, it is undeniable that Restoration divines were apprehensive of the potential social and political disorder that religious strife might produce, and saw the imposition of conformity to the established Church as an imperative for the security of the newly-stabilised nation. Yet, for the conformists examined here, the claim for tolerance was based upon a fundamental epistemological mistake about the respective jurisdictions of the spheres of nature and grace, which they sought to correct.

The beliefs held by these pro-uniformity writers were aligned with the views commonly characterised under the term 'Latitudinarianism', which various scholars have connected with the language of nature and reason.[229] Almost all the authors considered - Robert Sanderson, Edward Stillingfleet, Simon Patrick, Samuel Parker - have been seen as adherents of this influential faction within the Anglican clergy.[230] However, there has been a persistent assumption that the Latitudinarians were relatively sympathetic in their attitudes towards Dissenters. As John Marshall has summarised, the group supported 'accommodating "a latitude" of different practices and beliefs in a broad church, which they saw as a form of religious toleration, combined - with varying degrees

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[227] See Goldie, 'The Theory of Religious Intolerance in Restoration England' in *From Persecution to Toleration*, ed. Ole Peter Grell, Jonathan I. Israel, and Nicholas Tyacke (Oxford: Oxford University Press, 1991) and John Coffey, *Persecution and toleration in Protestant England, 1558-1689* (Harlow: Longman, 2000).
[228] John Marshall's monumental survey of the intellectual context of John Locke's theory of toleration is almost exclusively concerned with arguments of a prudential nature against liberty of conscience (*John Locke, Toleration and Early Enlightenment Culture* (Cambridge: Cambridge University Press, 2006)).
[229] Isabel Rivers, *Reason, Grace, and Sentiment*, 2 vols (Cambridge: Cambridge University Press, 1991-2000), I, p. 25 ff. See also: Martin Griffin, *Latitudinarianism in the Seventeenth-Century Church of England* (Leiden: Brill, 1992); W. M. Spellman, *The Latitudinarians and the Church of England, 1660-1700* (Athens: University of Georgia Press, 1993). For the argument against Latitudinarianism as a functioning category: John Spurr, ''Latitudinarianism' and the Restoration Church', *The Historical Journal*, 31:1 (1988), 61-82.
[230] Samuel Parker's membership of this sect has been seen as the most questionable. However, to quote Jon Parkin, Parker's background was 'profoundly Latitudinarian in ethos', and his arguments bear a 'remarkable similarity' to those proffered by Stillingfleet and Patrick (Parkin, *Science, religion and politics in Restoration England* (London: Royal Historical Society, 1999), p. 37).

of reluctance - with toleration for those few to be left outside'.[231] Thus it is also an objective of this chapter to elucidate further what Martin Dzelzainis termed 'the rarely considered persecutory temper of Restoration Latitudinarianism', analysing the ways in which Latitudinarian ideas about the distinction between nature and reason, on one hand, and revelation, on the other, informed diverse arguments in favour of strict doctrinal and ceremonial conformity, rather than lenience, in the hands of a number of the Church's leading polemicists pf the 1660s and 70s.[232]

In deploying natural law within their justifications for uniformity these writers were by no means original. For in so doing, they were drawing heavily upon the *magnum opus* of one of the late sixteenth century's most eminent theologians, Richard Hooker's *Lawes of Ecclesiastical Polity*. Here Hooker had adapted a set of theories derived from scholastic philosophy - most notably the *Summa Theologiae* of St. Thomas Aquinas - *à propos* conscience, natural and supernatural law, human law, and indifferency, in order to provide a rationale for extolling the righteousness of uniformity and denouncing the Church's opponents. As we shall see, this prototype provided a source for the structure of Anglican moral theology throughout the ecclesiastical crises of the early Restoration, eventually shaping not only the strategies of Hooker's orthodox successors, but also the strategies of those who sought to contradict his conclusions and present a different version of the constitution of Christianity that would place tolerance at its heart.[233]

Aquinas: God, Nature and Rational Participation

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[231] Marshall, 'Latitudinarianism' in *Routledge Encyclopedia of Philosophy* (Taylor and Francis, 1998): doi:10.4324/9780415249126-DA049-1, viewed 30.4.18.
[232] Martin Dzelzainis and Warren Chernaik, *Marvell and Liberty* (Basingstoke: Macmillan, 1999), p. 285. See also Richard Ashcraft, 'Latitudinarianism and toleration: historical myth versus political theory' in *Philosophy, Science, and Religion in England 1640–1700*, ed. Richard Kroll, Richard Ashcraft and Perez Zagorin (Cambridge: Cambridge University Press, 1992), pp. 151–177.
[233] See Henry McAdoo, *The Structure of Caroline Moral Theology* (London: Longmans, Green and Co., 1949), and *The Spirit of Anglicanism* (London: A. & C. Black, 1965).

The idea of natural law has exercised an influence on Christian thought from its earliest beginnings. While the Christian view of the universe differed substantially from the pantheistic principles of Cicero's Stoic doctrine, there were many points of resemblance between Stoic ethics and Christian moral teaching, which made the version of natural law presented by Cicero attractive to early Christian writers. St. Paul was one of the most important authorities to recognise the existence of natural law, and to incorporate the concept within a Christian framework. In his Epistle to the Romans, he wrote that, 'when the Gentiles, which have not the law, do by nature the things contained in the law', they 'shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another'.[234] Thus, St. Paul observed, even pagans had some knowledge of God, although they lacked the aid of revelation, as 'that which may be known of God is manifest in them', 'the invisible things of him from the creation of the world … being understood by the things that are made'.[235] Subsequently, this law 'written on the hearts' of men 'by nature' was commonly identified by the Church Fathers with the laws set down on tablets of stone in the Decalogue given to Moses. To take the words of Irenaeus, 'From the beginning, God had implanted in the heart of man the precepts of the natural law. Then he was content to remind him of them. This was the Decalogue'.[236] There were, however, certain tensions that arose from the assimilation of natural law philosophy within Christian theology, and some important problems were left unresolved. One of the most persistent of these conundrums was raised initially by St. Augustine, who defined natural law as 'the divine reason *or* will of God, commanding that the natural order be preserved'.[237] Augustine's flexibility regarding the precise origins of the law of nature - whether it was generated either from God's reason or God's will - inaugurated a debate on the issue that continued into the Middle Ages and beyond, becoming particularly significant during the Reformations. A central figure at the outset of this discussion

[234] Romans 2:14-15.
[235] Romans 1:19-20.
[236] St. Irenaeus, *Adv. haeres*. 4:15, 1.
[237] Augustine, *Contra Faustum Manichaeum*, XXII, 27.

was the thirteenth century Dominican friar, St. Thomas Aquinas, who came down clearly (though not without qualifications) on the side of divine reason.

Aquinas's *Summa Theologiae* was a major work of theological synthesis, in which natural law was placed within a whole hierarchy of concepts - eternal law, natural law, human law, and divine law - and related to each of them. For Aquinas, eternal law is 'the rule of Divine Reason, moving all things to their due ends' (1a.2ae.91.2).[238] Consequently, 'Natural Law is nothing other than the participation of the eternal law in rational creatures' - 'the light of natural reason, by which we discern good and evil' (1a.2ae.91.2), and humanity's most essential connection to the Almighty. While 'grace is more efficacious than nature, yet nature is more essential to man, and therefore more enduring' (1a.2ae.94.6) in directing his ethical standards. Moreover, although the sins of humanity could impede its fulfilment, for Aquinas, 'the natural law, in the abstract, can nowise be blotted out from men's hearts', but is merely 'blotted out in the case of a particular action, in so far as reason is hindered from applying the general principle to a particular point of practice, on account of concupiscence or some other passion' (1a.2ae.94.6). Conscience is conceived by Aquinas not as a separate power in and of itself, but as a rationally motivated 'act' directed by the standards of natural law:

> For conscience, according to the very nature of the word, implies the relation of knowledge to something: for conscience may be resolved into "cum alio scientia," i.e. knowledge applied to an individual case. (1a.79.13)

As for positive human laws, Aquinas understood that while 'man has a natural aptitude for virtue', his reason could be distorted by corrupt habits, so 'the perfection of virtue must be acquired by man by means of some kind of training' (1a.2ae.95.1). This training, Aquinas argued, 'which compels through fear of punishment, is the discipline of [human] laws', designed 'in order that

[238] Thomas Aquinas, *Summa Theologiae*, trans. Fathers of the English Dominican Province, rev. ed. (London: Benzinger Brothers, 1920).

man might have peace and virtue' (1a.2ae.95.1). Aquinas turned finally to the divine law of Scripture, which he presents as complementary rather than contradictory to the rational law of nature. He explained that while the natural law accessible to human reason could guide men to their proximate end of felicity in their life here on earth, it could not lead them to the final end of beatitude, the vision of God in heaven: 'therefore it was necessary that … man should be directed to his end by a law given by God' (1a.2ae.91.4). What is more, 'on account of the uncertainty of human judgment' regarding the law of nature, it was necessary to have some 'law [that] cannot err' (1a.2ae.91.4). However, scripture was only a spiritual safety net, and natural law could for the most part be relied upon to determine divine command. Hence, for Aquinas, divine law existed in harmony with the rational law of nature, supplementing and confirming its ethical precepts. Meanwhile, right reason remained essential in order correctly to interpret the true doctrines of Scripture.

In contrast with this Thomist conception of natural law, whose contents follow divine reason, the late Middle Ages witnessed the emergence of a growing theological emphasis on the sovereignty of divine *will* in determining the rules of justice. For those who espoused this developing 'voluntarist' outlook - John Duns Scotus and, more radically, William of Ockham - the whole universe, and the world of moral values it contained, existed as they did for no other reason than that God willed it to be so.[239] Following in this vein, as Stephen J. Pope has observed, the early Protestant theological ethics of Martin Luther and John Calvin constitute 'a voluntaristic replacement by biblical ethics of natural law', in which the 'omnipotence, inscrutability and arbitrariness of God's will' was clearly 'at odds with the theological underpinnings of Thomistic natural law'.[240] As Luther vouched: 'What God wills is not right because he ought or was bound so

[239] This is emphasised in Rommen, *The Natural Law*, chap. 2.
[240] Stephen J. Pope, 'Natural Law and Christian Ethics' in *The Cambridge Companion to Christian Ethics*, ed. Robin Gill (Cambridge: Cambridge University Press, 2012), pp. 67-86 (p. 72).

to will; on the contrary, what takes place must be right, because he so wills' (p. 196).[241] It is human impertinence to believe our 'reason and wisdom' could touch upon these 'mysteries' and 'secrets of His Majesty' (p. 195). Since the fall, the corrupting influence of sin, 'the uncleanness and poison lurking in the heart' (p. 127), undermined any chance for building ethics on the basis of natural law. In Luther's view, the only methods by which humankind can be divinely guided are by aid of the Scriptures (through which the Holy Spirit 'speaks to the heart' and 'impresses' the Word upon the hearer), or through a direct revelation of God's grace, for 'we know that when by faith we apprehend Christ in our conscience, we enter into a certain new law, which swalloweth up the old law that held us captive' (p. 119) - 'by the Spirit, our conscience is set at liberty' (p. 30). Under Luther's scheme, the divine principle and purpose of natural reason was thoroughly debunked, having no jurisdiction over beliefs concerning the spiritual realm.

Hooker: 'The Voice of Reason is the Voice of God'

It was hardly surprising then that the publication of Richard Hooker's *Lawes of Ecclesiastical Polity* (1594; 1597) - distinctly Thomistic in the doctrines it propounded and seeming to offer a critique of the intervening reformist arguments of Luther - was met with vigorous censure, particularly from quarters trying to push the Elizabethan religious settlement of 1599 further towards the Protestantism of Geneva. According to the author of an anonymous work, *A Christian Letter* (1699), which was issued in response to the *Lawes*, Hooker's emphasis on the significance of natural law within religion and particularly in relation to salvation was an axiomatic contradiction of Protestant principles:

[241] Martin Luther, *Martin Luther: Selections from His Writing*, ed. John Dillenberger (New York: Anchor Books, 1961).

> The Church of Englande professeth: *Holye Scripture contayneth all things which are necessarye to saluation* …Where you seeme vnto vs … [to] infer that the light of nature teacheth some knowledge naturall whiche is necessarie to saluation, and that the Scripture is a supplement and making perfect of that knowledge.[242]

Hooker's account appeared to call into question the full sufficiency of scripture in matters of salvation, and to elevate the role of moral virtue to a *sine qua non* of Christian redemption.

However, seeking to dismantle the Puritans' dependence on scripture, Hooker insisted that 'whereas God hath left sundry kindes of lawes vnto men … they hold that one onely lawe, the scripture', 'euen so farre as to the *taking vp of a rush or strawe* (I, p. 96). Rather than keeping their imposition of biblical doctrine sensibly 'within the compasse of morall actions', Hooker upbraided his Puritan detractors for their pedantry with regard to the Holy Writ, instructing them 'not to exact at our hands for euery action the knowledge of some place of scripture out of which we stand bound to deduce it … but rather as the truth is, so to acknowledge, that it sufficeth if such actions be framed according to the lawe of reason' (I, p. 96). Yet, Hooker laments, thanks to their efforts

> the name of the light of nature is made hatefull with men; the *starre of Reason and learning* … as if God had so accursed it, that it should neuer shine or giue light in things concerning our dutie any way towardes him. (I, p. 138)

Regarding the way to salvation, Hooker maintains (like Aquinas and contrary to his critics' allegations) that 'our chiefest direction is from scripture, for nature is no sufficient teacher what we should do that we may attaine vnto life euerlasting' (I, p. 120). Still, Hooker continues, 'how can it stand with reason to make the bare mandate of sacred scripture the only rule of all good and euill in the actions of mortall men' (I, p.121)? How could it be that God

> in deliuering scripture to his Church, should cleane haue abrogated amongst them the law of nature; which is an infallible knowledge imprinted in the mindes of all the children of men, whereby both generall principles for directing of humane

[242] *A Christian Letter* (1599), p. 2.

> actions are comprehended, and conclusions deriued from them; … Admit this; and what shall the scripture be but a snare and a torment to weake consciences, filling them with infinite perplexities, scrupulosities, doubts insoluble, and extreame despaires? (I, p. 121)

According to Hooker, 'Nature is nothing else but Gods instrument' (I, p. 54), and it was a neglect of the law of reason that led to the abuse of scripture by those claiming the authority of the Spirit for individualised or ill-informed biblical exegesis. Hooker sought to persuade his audience that reason was not a damaged faculty, and that ecclesiastical judgements grounded on the authority of nature were not only sound but commendable in the eyes of God.

Directly related to this claim was Hooker's express rejection of voluntarist theology and its emphasis on the arbitrariness of the divine will, and restatement of the 'Union of Religion with Justice' (II, p .2). Unlike the doctrine espoused by the Protestant Reformers on the continent, Hooker sided with Aquinas in affirming that 'The general end of God['s] externall working, is the exercise of his most glorious and most abundant vertue' and 'undoubtedly a proper and certaine reason there is of every finite worke of God' (I, p. 50). It is part of Hooker's polemical technique to stress, at every stage of his argument, that the essence of law is rational (*aliquid rationis*), not simply an arcane command sanctioned by reward and punishment. Hooker's vision of the cosmos and categorisation of the laws that govern its existence draw heavily on the hierarchy laid out by Aquinas, corroborating the Thomist notion that the law of nature and reason is a constituent part of God's eternal law. The 'part of [eternal law] which ordereth natural agents, we call usually natures law … the law of reason that which bindeth creatures reasonable in this world' (I, pp. 51-2). Hooker affirms that, through reason, 'all men haue at all times' access to this immutable law:

> The Apostle S. Paul hauing speech concerning the Heathen saith of them, *They are a law vnto themselues.* His meaning is, that by force of the light of reason, wherewith God illuminateth euery one which cometh into the world, men being inabled to know truth from falshood, and good from euill, do thereby learne in many things what the will of God is. (I, p. 61)

According to scripture itself then, humankind did not need the light of revelation, so insisted upon by Geneva, to inform them of what reason could discover of the divine all by itself. As A. J. Joyce notes, although Hooker 'seldom quotes [Aquinas] explicitly within this context, both the framework and content of his exposition of the law of reason would appear to be substantially dependent upon the Thomist tradition of natural law'.[243]

Where Hooker begins to depart from Aquinas is in his attribution of our failure to follow the path of nature and right judgment to the frailty of human will. Through 'Reason', Hooker insists, we 'may rightly discerne the thing which is good'. Yet, 'the will of man not incline it selfe thereunto' as often 'the preiudice of sensible experience doth ouersway' our rational knowledge (I, p. 59). For Hooker, such weakness of will in the face of difficulty was precisely what characterised the Puritans' stubborn resistance to submit to the rational ordinances of the Anglican church. They were

> heretiques hindering the truth in many ... obstinately following their owne ambitions ... instead of framing their wills to maintaine that which reason taught. (I, p. 140)

A similar observation can be made in relation to the role of emotion in the process of human action as understood by Aquinas and Hooker. Although Aquinas acknowledges that emotions can be the cause of wrongful choice, within his philosophy, as John Finnis notes, they are nevertheless 'inherently good, natural and desirable. They *serve* reason and rational will by helping to move one to act intelligently and indeed reasonably'.[244] In contrast, Hooker displays a tendency to be more reproachful of emotional impulses, which he describes variously in terms that suggest a fundamental divergence between reason and the 'mist of passionate affection' (I, p. 30). Hooker charges his opponents to 'sift unpartiallie your owne hearts, whether it be force of reason, or

[243] A. J. Joyce, *Richard Hooker and Anglican Moral Theology* (Oxford: Oxford University Press, 2012), p. 151.
[244] John Finnis, *Aquinas* (Oxford: Oxford University Press, 1998), pp. 74-6.

vehemencie of affection, which hath bread, and still doth feede these opinions in you' (I, p. 42). As Brian Vickers has remarked, Hooker's condemnation of affect is visible even from the rhetorical structure of the *Lawes*, where 'Hooker seems consciously to eschew emotional appeal, preferring logos over pathos'. He chooses 'the judicial genus because it depends on rational argument, unlike epideictic, which moves its hearers or readers to love or hate by working on their emotions'.[245] As we shall see, this literary tactic would become an archetypal feature of Anglican defences during the Restoration.

All this leads to Hooker's political point, which is that despite his opponents' arguments for the necessity of an institutionally autonomous church led by a divinely-grounded spiritual authority, nothing 'doth prove it a thing repugnant to the Law, either of God, or of Nature, that all Supremacy of external Power be in Christian Kingdoms granted unto Kings thereof, for preservation of quietness, unity, order, and peace' (II, p. 449). In contrast to claiming a model of theocratic kingship, Hooker argues that no particular institutional structure is divinely mandated for the church and consequently the distribution of ecclesiastical authority is left to the discretion of each church: 'As for supreme power in Ecclesiasticall affayres, the word of God doth no where appoint, that all kinges should have it, neither that any should not have it. For which cause it seemeth to stand altogether by humane right, that unto Christian Kings there is such dominion given' (II, p. 459). To do so was not a usurpation of authority that rightly belongs to Christ, because Christ holds the headship in subordination to none, 'wheras the power which others have is subordinated unto his'. Moreover, it was vital to have human laws to structure the Church, and decree those indifferent aspects of its order left undefined by scripture and the law of nature. The English Church is in a certain sense 'a visible society of men'; it therefore requires and possesses 'power to make laws for its own external government' (I, p. 448), or contention and confusion will

[245] Brian Vickers, 'Public and Private Rhetoric in Hooker's Lawes' in *Richard Hooker and the Construction of Christian Community*, ed. Arthur Stephen McGrade (Tempe, AZ: Medieval and Renaissance Texts and Studies, 1997), pp. 95–145 (p. 122).

inevitably arise. If, for instance, the church suspended its human laws and 'did give everie man license to followe what him selfe imagineth that Gods Spirit doth reveale unto him, or what he supposeth that God is likelie to have revealed to some speciall person whose virtues deserve to be highlie esteemed, what other effect could hereupon ensewe, but the utter confusion of his Church?' (I, p. 141) The ways in which Hooker adapted and developed Aquinas's model of natural law to the service of discrediting his Puritan opponents, and legitimising Elizabeth's governance of ecclesiastical affairs, continued to inform strategies of Anglican writers well into the seventeenth century, when the Church faced another struggle against dissent.

The Anglican Restoration

As N. H. Keeble wrote, '[p]ublic England in 1660 was joyous, and Episcopalian England was the most joyous of all', finally reprieved from the menace of unruly and radical sectarianism that had burgeoned under the Cromwellian regime.[246] Initially, of course, Charles II 'nurtured the spirit of reconciliation', promising at the Declaration of Breda 'a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matter of religion which do not disturb the peace of the kingdom'.[247] Yet, as General Monck himself was well aware, 'as to Government in the church ... It is most manifest, that if it be Monarchicall in the State, the Church must follow, and Prelacy must be brought in'.[248] The religious settlement eventually worked out by the Cavalier Parliament was a victory for the High Anglicans; neither comprehension nor toleration was approved, and instead a fierce code was established penalising those who failed to conform to the re-established Church. The preamble to the *Act for the Uniformity of Publique Prayers and*

[246] N. H. Keeble, *England in the 1660s* (Oxford: Blackwell, 2002), p. 109.
[247] I. M. Green, *The Reestablishment of the Church of England*, (Oxford: Oxford University Press, 1978), p. 3.
[248] *The Speech and Declaration of His Excellency the Lord Generall Monck* (1659), pp. 4-5.

Administration of Sacraments (1662) even referred back with approval to the 1559 Elizabethan Act of Uniformity, confirming the political necessity of the statute after the events of the Interregnum.[249]

However, the legislation failed to achieved its declared aim to settle the peace in matters of religion, and the Restoration authorities, having ejected Puritan opinion from within the established Church, still faced a fight to curtail its existence outside their ecclesiastical dominion. This battle was waged both practically (on the ground) and ideologically (on paper). The Act of Uniformity was bolstered by a series of penal religious statues (mis)named the 'Clarendon Code'.[250] Meanwhile, the Anglican Church sought to compel its detractors to realise both the political need for such measures, and the righteousness of their rule. Here, again, the Elizabethan religious settlement, and those who had written in its defence, provided an important precedent for Anglicans seeking to affirm their stance on conformity. Hooker's *Lawes* were republished twice during the 1660s, first in 1661/2, and then again in 1666, with a new and suitably obsequious epistle to the king, declaring the pertinence of their content. For,

> having lived to see the wonderful and happy Restauration of Your Majesty to Your Rightful Kingdoms, and of this Reformed Church to its just Rights, Primitive Order, and Pristine Constitution, by Your Majesties prudent care, and unparallel'd bounty, I know not what to present more worthy of Your Majesties acceptance, and my duty, then these Elaborate and Seasonable Works of the Famous and Prudent Mr. Richard Hooker … Which is indeed at once (as the Tongues of Eloquent Princes are to themselves, and their Subjects) both a Treasury and an Armory, to inrich their friends, and defend them against the Enemies of the Church of England: A rare composition of unpassionate Reason, and unpartial Religion.[251]

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[249] A. Luders et al., eds, *The Statutes of the Realm: Printed by Command of His Majesty King George the Third*, 11 vols (London, 1810–28), V, pp. 364-70.

[250] See G. R. Cragg, *Puritanism in the Period of the Great Persecution, 1660-1688* (Cambridge: Cambridge University Press, 1957); N. H. Keeble, *The Literary Culture of Nonconformity in Later Seventeenth-Century England* (Leicester: Leicester University Press, 1987), pp. 45-55, 68-92, 187-214; Watts, *The Dissenters* (Oxford, Clarendon Press, 1978), pp. 221-62; George Southcomb, 'Dissent and the Restoration Church of England' in *The later Stuart Church, 1660-1714*, ed. Grant Tapsell, (Manchester: Manchester University Press, 2012), pp. 195-216.

[251] *The Works of Mr. Richard Hooker (That Learned And Judicious Divine), in Eight Books of Ecclesiastical Polity* (1666), Epistle to the King.

Indeed,

> Your Majestes Royal Father, a few days before he was Crowned with Martyrdom, commended to his dearest Children, the diligent Reading of Mr. Hookers Ecclesiastical Polity, even next to the Bible.

Promoting the intrinsic tie between the monarchy and the Church of England, the significant emphasis on the 'unpassionate Reason' of Hooker's discourse, and defence of the Church's authority and liberty in accordance with 'Right Reason', indicates that Hooker's theology of rational religion was a significant factor in selecting the *Lawes* to vindicate Restoration Anglicanism. Hooker's influence over defences of uniformity extended far beyond the edition of his own works, coming as well to inform a number of the most significant treatises written on behalf of the newly re-established Church.

Robert Sanderson and Edward Stillingfleet

Another of Charles I's preferred divines was Robert Sanderson. Becoming one of the King's chaplains in 1631, Charles also either translated himself or ordered the translation into English of seven lectures Sanderson had given as Regius Professor of Divinity during Michaelmas 1646, published in 1655 as *De Juramento*. However, it is another series of lectures that Sanderson gave during his first stint at Oxford that proved more pertinent to the debate regarding conformity: *Ten lectures on the obligation of humane conscience*, given initially by Sanderson in 1647 and revised for publication in 1660, the year in which Sanderson resumed his position at Oxford and was consecrated Bishop of Lincoln. These lectures exhibit the influence of Aquinas, and the concepts of scholastic philosophy developed by Hooker, upon Anglican apologetic during and immediately after the civil war. Sanderson openly professed his debt to Hooker in this regard, declaring in a letter to Henry Hammond:

> When I began to set my self to the Study of Divinity … I read over with great diligence and no less delight that excellent piece of Learned Hooker's Ecclesiasticall Politie … [which] setled my judgement for ever after in …Christian Liberty, Obligation of Laws, Obedience, &c.[252]

This influence is visible in the *Ten lectures*, as Sanderson follows Hooker in seeking to re-establish the rational law of nature as a criterion for judging how the Church ought to be governed, thereby legitimising the episcopal structure and order of ceremonies that defined Anglican doctrine. Although Sanderson pays greater attention than Hooker to the Thomist conception of the conscience, delivering an authoritarian reading of the power of the magistrate over the conscience with the aim of proving that dissent was both spiritually sinful and ecclesiastically unlawful.

The definition of conscience with which Sanderson opens his first lecture is taken directly from 'Sr. Thomas of Aquine' (p. 7). ' 'Conscience', says Sanderson, 'is a faculty, or a habit of the practical understanding, by which, the mind of Man doth by the discourse of reason apply that light with which he is indued to his particular moral Actions' (p. 3).[253] Like Aquinas, Sanderson understands the conscience to be above all an act of application, whereby, through the use of reason, the general principles of the law of nature are applied to a specific ethical quandary; for 'the knowledge of that first universal principle known by the light of Nature' is that on which 'the whole thred of this discourse depends' (p. 8). This law, Sanderson insists, is accessible to all humankind:

> [As] St. Paul Rom. 2. 15. expressly speaketh, … they do show the works of the Law to be written in their hearts, their Consciences bearing them witnesse. (p. 24)

As we observed in Hooker, Sanderson refers to St. Paul to uphold the endurance of reason and conscience as constructive guides to this law even after Adam's fall.

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[252] Henry Hammond, *χαρις και ειρηνη, or, A Pacifick Discourse of Gods Grace and Decrees* (1660), pp. 8-9.
[253] Robert Sanderson, *Ten Lectures on the Obligation of Humane Conscience* (1660).

With this established, Sanderson subsequently turns to the most vital question of his study: 'principally, who is the Lord of Conscience, who hath right and power to impose a Rule or Law upon it, to which it ought to conforme it self?'. Like Hooker, Sanderson makes clear that scripture alone 'is not the Adequate Rule of Conscience … otherwise the Gentiles who have not the Scripture should have no Rule for their Conscience, which comes quite crosse to reason, experience, and the expresse testimony of the Apostle in the Text above mentioned' (p. 119). Thus, he claims, the 'most immediate Rule of Conscience … is that light … which some do call the light of Reason, others the Law of the mind … or rectified Reason' (p. 116). Yet, aside from the rules God has set to govern conscience, what is its relationship, as Sanderson conceives it, with human law? Sanderson begins once more by explicitly citing Aquinas, to define the law of man: 'His words are, *Lex humana est Rationis ordinatio ad Bonum Commune, ab eo qui curam Communitatis habet promulgata*' ('the law of man is an ordinance of reason, directed at the common good, by the one who takes care of the community, and promulgated') (p. 151). Proceeding to question whether these 'Humane Lawes have the power to oblige the Consciences of those men to whom they are exhibited', Sanderson acknowledges that 'amongst the Protestants Calvin doth deny it … and many others' (p. 154). However, Sanderson asserts that 'Humane Laws concerning things not unlawful, do by themselves, and directly, in the general oblige the Conscience' (p. 175), and again he falls back upon the law of nature to validate this fundamental principle. For 'natural Reason dictates, that Peace and Order, which is the Soul of Common-wealths, and of all humane Societies, cannot be preserved but by an Obedience to the Lawes' (p. 175). Furthermore, God 'doth command us to be subject unto those who are over us … being mindful, that Almighty God by a delegated Power, did set them over us as his Vicegerents on Earth' (pp. 175-6). As such, 'In things of a middle nature, & which are indifferent', 'we do suppose that God made no Law in *particular*, but left them all to the arbitration of those who are his Vice-gerents on Earth', and so they do 'oblige the Consciences of the Subjects to perform obedience to them' (p. 177).

Sanderson goes on to state unequivocally that this jurisdiction of the magistrate applies not only to secular laws, but ecclesiastical edicts too. Although 'we meet every where with a great number of Innovators, who would take from men all Power of making Rites and Ceremonies in the publick worship of God', Sanderson chides, having 'perused many Books written by many Authors' concerning this subject, 'I find not any one, that can produce any just or any likely Reason of *Difference,* why there may not be a *Power* of ordaining and determinating concerning things indifferent, as well in Cases Ecclesiastical as Political' (p. 227). From the beginning, sovereignty belonged to the 'Heads of Familyes, amongst which he who was the first born of every Family, without any suffrages or election, [and] was by a certain Right and privilege of Nature, the Governour of all things both *Holy* and *Civil*' (p. 254). Therefore, it was upon 'the Authority of the *supreme Magistrate*' and according to the 'Doctrine of the English Church' that 'the Right of making Ecclesiastical Laws is in the Power of Bishops, Elders and other Persons duely elected by the Clergy of the whole Kingdom' (p. 271).

Sanderson's conclusion reminds his readers of the dangers of misconstruing the nature and scope of conscience and neglecting the importance of both natural and human law within the framework of Christianity. 'Some men within these few years … have invented and brought at last into the Common-wealth a new state of Government' and 'earnestly endeavoured under the *pretence of Conscience,* or of *Christian liberty,* to overthrow all the force and frame of the *Ecclesiastick Government*' (p. 146). Yet,

> We easily do answer, that the Law of Nature is written in our hearts, and the Law of Christ is revealed in the Gospel, and that both of them in their kind are most perfect, but so, that for all that, it is most manifest that the profit of humane Lawes is very great, and their use as necessary. … [being] particular determinations of the *general Rules* which the Law of Nature, and the word of God have exhibited indeterminatly, wisely accommodated to the Condition & Utility of certain people, according to the consideration of Times, and Places. (pp. 313-14)

In matters of indifferency upon which divine law had not issued specific decrees, it was within the magistrate's authority to interpret from the law of nature the human law they judged 'most profitable to themselves, and to their people'. As God had left both the correct structure of the Church and many aspects of worship unsettled, there could be no reason why the king could not institute episcopacy, and whichever ceremonies as he saw fit, and expect dutiful acquiescence.

Another ecclesiastical tract published on the cusp of the Restoration, in which the importance of natural law within the Church was rendered paramount, was Edward Stillingfleet's *A Weapon Salve for the Church's Wounds*, usually known as the *Irenicum* (1662). Stillingfleet, later Bishop of Worcester, is remembered today by philosophers primarily for his exchange later in the century with Locke. Yet, at the time, Stillingfleet was recognised as an intellectual heavyweight in his own right. The *Irenicum*, however, was Stillingfleet's first foray into theological controversy. Through the *Irenicum*, Stillingfleet sought to advance Anglicanism's return to ascendancy. In so doing, Stillingfleet reinforces and furthers Sanderson and Hooker's emphasis upon religion's agreement with natural law, almost to the point of suggesting that the Church, as a society, derived its legitimacy from reason rather than revelation.

Even from the title page of Stillingfleet's treatise, it is evident that (like Sanderson) he will premise his arguments for national conformity to Anglicanism upon a distinction between those questions upon which divine law made an irrefutably plain command, and those in which a strict judgment was absent. Stillingfleet cites the canonical authority on natural law, Grotius, to declare that 'Multum refert ad retinendam Ecclesiarum pacem inter ea quae jure divino praecepta sunt, & quae non sunt, accuratè distinguere' ('It is of great importance to maintain the peace of the Churches to distinguish accurately between those things which are commanded by divine right and those which are not') - confusion over which, Stillingfleet insists, has been the cause of 'such lamentable Divisions in the Church'. To rectify this, Stillingfleet did not seek to fall back upon 'invalid' traditions, to resolve what form of government came closest to Apostolic practice, but to

settle 'Whether any one individual form be founded so upon Divine Right, that all Ages and Churches are bound unalterably to observe it?'. The answer to this almost rhetorical question is immediately forthcoming:

> the reason of Church-Government … is the preservation of the peace and unity of the Church; the modus regiminis Ecclesiastici, the particular form of that Government is juris divini permissive, that both the Laws of God and Nature have left it to the Prudence of particular Churches to determine it. (p. 10)[254]

For Stillingfleet, it is not the gospel which sheds any light upon God's intentions for the government of the Church, but rather his other conduit of communication, nature. Like the scriptures, nature did not confirm any particular administrative architecture to which the Church ought to conform; however, it did stipulate one fundamental and binding precept that no church authority could neglect: 'the preservation of peace and unity' (p. 10). Moreover, 'whatever by just consequence can be deduced from the preceptive Law of Nature, is of Divine Right, because from the very nature of that Law (it being indispensable) it appears that God had an intent to oblige all persons in the world by it' (p. 15).

Stillingfleet proceeds to expand upon this statement, developing an account of the purpose and practice of the Church as 'natural reason' decrees. Firstly, 'the Dictate of Nature being common to all, that God must be served, Nature requires some kind of Mutual Society for the joynt performance of their common duties' (p. 72), *a priori* evidence for which was threefold: by 'The sociableness of Mans Nature' (p. 82), that 'Religion gives a great improvement to mans sociable Nature', and finally that 'it appears from the greater honour which redounds to God by a sociable way of Worship' (p. 84). Thus, 'we see the light of Nature dictates there should be a society and joyning together of men for and in the Worship of God' (p. 84). This being so, the 'second thing which the Light of Nature dictates is that there is 'Government in that Society, or else it is no

[254] Edward Stillingfleet, *Irenicum* (1662).

Society' (p. 85). The maintenance of any community, 'and consequently of the Church', requires 'a Distinction of Persons, and a Superiority of Power and Order', or else 'every man is *sui juris*', which begets only 'confusion' (p. 85). There 'must be some then invested with Power and Authority over others, to rule them in such things wherein they are to be subordinate to them' (p. 86). Yet, 'as to the Form whereby that Order should be preserved', 'whether the Power of Government come from People by Election, or from Pastors by Ordination, or from Magistrates by Commission and Delegation; whether one, two, or all these wayes, is not determined by Naturall Law' (pp. 87-88). Therefore, '*Placitum Regis*, some positive Law must end the controversie' (p. 88).

The next thing that nature enjoins regarding religious societies, according to Stillingfleet, is that 'all things, either pertaining to the immediate worship of God, or belonging to the Government of that Society, be performed with the greatest solemnity and decency that may be' (p. 93). Thus, with an obvious swipe at Puritan enthusiasm, Stillingfleet demands that

> any Ceremonies, Actions, or Gestures, which tend to the discomposing mens Spirits, are upon that account to be exploded out of any religious Societies ... [for they] do either rarifie mens spirits too much into a superficiall lightnesse and vanity of spirit; or else sink them too much below the command of reason, into the power of unruly passions ... [and] what men do at such a time, is not their own proper act, but is more properly to be ascribed to the power, strength, and excess of a Melancholy fancy, or else to a higher Enthusiasticall spirit. (pp. 93-4)

This is opposite to 'the true Propheticall spirit' that 'leaves men in the free use of their reason and faculties' (p. 94). Stillingfleet deploys the crucial connection between nature and reason to launch the traditional Anglican assault upon enthusiasm, denigrating the claims made by dissenters to a personal intercourse with the divine Spirit.

It was precisely to prevent such disingenuous 'mischiefs', according to Stillingfleet, that nature ordained its next tenet essential to Church government: that 'the Church as a religious Society must likewise be endowed with ... a power to maintain its self, and keep up peace and unity within its self', which 'cannot otherwise be supposed (considering the bilious humour in mens

natures, not wholly purged out by Christianity) without some way to decide Controversies which will arise, disturbing the peace of it' (p. 105). The controversies that most tend to break the harmony of the Church are 'either matter of different practice, or matter of different opinion' (p. 105). 'The former', Stillingfleet deems, 'if it comes from no just and necessary cause', is 'an Ecclesiasticall sedition ... directly contrary to that communion and friendlinesse which should be preserved in all Societies' (p. 106). The latter, 'if impugning somewhat fundamentall, in order to the end of constituting religious Societies, or being a lesser matter, if wilfully taken up, and obstinately maintained, is call'd Heresy' (p. 106). Against both these sins, for Stillingfleet, there was only one safeguard: that

> every one notwithstanding what his private judgement may be of them, is bound for the Peace of the Church of God to submit to the determination of the lawful Governours of the Church. ... For as it is supposed that in all Contracts and Agreements for mutuall Society, men are content to part with their own Liberties for the good of the whole ... [as] though men can never part with the freedom of their Judgements ... yet they must part with the Authority of their Judgements. (pp. 124-5)

Needless to say, there is a distinctly Hobbesian flavour to Stillingfleet's conception of the Church contract, as it were, whereby although an individual could maintain autonomy of thought and belief, the right to practice according to one's conscience was non-existent, for nature demanded unity.

Ultimately, Stillingfleet insists, in a national Church, matters of controversy regarding 'things indifferent' - issues left undetermined by either scripture or the law of nature - nature settled the authority to adjudicate in the hands of the magistrate, though 'this is not an hypothesis in the Age we live in to be taken for granted ... some denying the Magistrate any power at all in matters of Religion' (p. 38). Yet,

> if we consider Religion as it is publikely owned and professed by a Nation, the supreme Magistrate is bound by vertue of his office and authority, not only to defend and protect it, but to restrain men from acting any thing publikely tending to the subversion of it, So that the plea for liberty of conscience, as it tends to restrain the Magistrates power, is both irrationall and impertinent. (p. 39)

In other words, dissent from the Church of England and its governing monarch was insupportable. However, while Stillingfleet's conclusion is quite traditional, his analysis of the foundations of faith is remarkable in the extent to which he relies upon the law of nature to reach this conclusion. Scripture and tradition are denied any voice, and God speaks only through nature and reason in determining the constitution of the Church.

Sir Charles Wolseley

Although distinct in their individual interpretations and emphases, both Sanderson and Stillingfleet demonstrate the use of a scholastic conception of natural law in order to promote the Restoration return of Anglicanism and legitimise a policy of forced uniformity within the national Church. They placed natural reason above personal inspiration as a means of determining the foundations of Church government and sought to restrain the remit of individual conscience over conformity to ceremonies and other matters of indifference. However, during the 1660s, a number of advocates for nonconformity began to challenge this reading of nature, and espoused a very different account of the sphere over which it could claim sovereignty. Although they did not deny the existence and importance of natural law, these writers insisted that there was a spiritual realm beyond its jurisdiction, over which only God's will and not reason held dominion. As such, it was in fact against the law of nature to compel any person to repudiate whatever truths they claimed to have been revealed supernaturally to them, and to which they were bound in conscience to obey, simply because they could not be disproved.

Such was the opinion of Sir Charles Wolseley, one-time Cromwellian councillor and friend of John Dryden.[255] Left out in the cold following the accession of Charles II, Wolseley had retreated to his property in Staffordshire, where, throughout the 1660s, he put a sustained effort into writing in support of religious toleration, and Blair Worden has named Wolseley as one of the most prominent personalities in 'the literary campaign for liberty of conscience' that surrounded the expiry of the Conventicle Act in 1667.[256] Of Wolseley's various offerings, his most influential pamphlet was titled, *Liberty of Conscience Upon its True and Proper Grounds Asserted and Vindicated* (1668). Furthermore, here we can perceive most palpably Wolseley's attempt to undermine the Anglican dependence on reason and nature. Like Luther, Wolseley is emphatically more sceptical about the intelligibility of the law of nature given the deficiency and frailty of humankind's condition. Even after God bestowed the Decalogue, Wolseley observes, which

> was in truth no other than a transcript of the Law of Nature, and the Light thereof; yet what great variety do we find in the exposition of it, and what various principles derived from it … not onely concerning those more obscure notions of the order and discipline of the Gospel-Church, but of most of the other Doctrine and Truths of Religion? (p. 8)[257]

Real life experience, Wolseley claims, repudiates the ostensible lucidity of nature's laws regarding the form and practices of the Church, and demonstrated an 'innate infirmity in the soul of man since his fall not to be able always to make a right judgment of things' (p. 8). Given this fallibility of rational judgment, it was individual 'Conscience' - conceived here not as a rationally motivated act, but a spiritual 'instinct' with 'immediate reference' to God himself - that must be the guide of our own actions, no matter how divergent our views. As the 'wonderful variety there is in that inward divine illumination, afforded to men more or less, as God pleaseth' by 'making men of

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[255] Wolseley's son, Robert, was to write, as 'By a Friend of the Authors', the epilogue for Dryden's *The Spanish Fryar* (*The Works of John Dryden*, XIV).
[256] Blair Worden, 'Toleration and the Cromwellian Protectorate' in *Persecution and Toleration*, ed. W.J. Shiels (Oxford: Ecclesiastical History Society, 1984), pp. 99-233 (p. 229)
[257] Charles Wolsey, *Liberty of Conscience upon its True and Proper Grounds Asserted and Vindicated* (1668).

several growths and features in divine knowledge, does seem to let us know, He would have men of several sizes and attainments in that kind, to live in the world quietly together' (p. 10). In other words, while God's intentions regarding the diversity of his divine intimations to humankind were inconceivable, he could not anticipate such revelations to instigate conflict, *ergo* tolerance must be his envisioned outcome.

Certainly, as it is through conscience that 'God keeps his solemn claim of Soveraignty over us, in our own breasts, by such means as we can in no way oppose, nor avoyd', this 'dominion of God was never delegated to any substitute on earth' (p. 10). This included, Wolseley maintained, the magistrate. For, while 'Magistracy is an institution grounded upon the light of Nature' (p. 11), the magistrate's authority was not merely a permissive privilege but a 'tye of duty', the obligations of which demanded that 'the due liberty of each mans Conscience may be secured' (p. 14). However, 'some eminent mistakes about the *Magistrates Power in Religious things*, have involved us into very destructive and pernicious extremities', whereby 'Some do make the Magistrate sole Judg of all *Spiritual matters*, ascribe to him the power of settling what Government he pleases in the Church, appointing Officers in it, determining all differences in Religious things, supressing by his Power all Error and Heresies, and superseding all matters that appertain to the Gospel' (p. 16). Wolseley is adamant about the damage such opinions inflict upon the inviolability of the scripture:

> This impowering the Magistrate with a Superlative Authority, in settling what relates to the Government of the Church, supposeth this, That the Scripture hath revealed no truth … [and] opens a door to make him (as some have done) Lord over the whole New Testament. (pp. 18-19)

Whereas, according to Wolseley, 'all Gospel-truths' – 'not like the matters of the Moral Law' – 'are things purely Supernatural, and of Divine Revelation … not ever entered into any mans heart to conceive of' (p. 28). Thus 'to compel men to any part of the Doctrine, Worship or Discipline of the Gospel' is an act utterly 'against the light of Nature' (p. 28), which 'abhors compulsion in Religious

things, as a spiritual rape upon the Conscience' (p. 29), and, 'if the Magistrates power be grounded in the light of Nature, then to do a thing against the light of Nature must needs be very *Heterogenial*' (p. 28). As for the nice Anglican distinction between belief and practice - '*That though we may not force men to believe, yet men may be forced to the outward means of believing*' - such is 'very little to the Purpose', as 'if by outward means, they mean a bare outward act, distinct from an Religious worship, no doubt Superiors may command it; But if they mean any religious means, if the means be such, as my Conscience is not satisfied in, I ought not to be forced to it' (p. 29):

> Forcing men to a religion, which is wholly supernatural, and imposing principles upon them, which are out of the compass of the Moral Light, as all Gospel-Principles are, supposeth a perfect infallibility in the Imposers, and the thing imposed, or else 'tis strangely unreasonable; to force men against their own Light to be guided by ours, unless we are sure we cannot mistake, is a strange absurdity. (p. 40)

For Wolseley, then, there was a fundamental separation over matters of pure morality which the magistrate had a responsibility to regulate, and those matters of the gospel, 'purely Spiritual' and 'seated in mens Belief and Persuasion' (p. 52), which ranged beyond the scope of rational comprehensibility, and therefore beyond the compass of positive law. To claim otherwise was to 'to conflate 'The '*Civil* and *Ecclesiastical Power*', which being 'perfectly in themselves distinct', 'ought [also] in their Exercise to be kept so' (p. 27). As we shall see, Wolseley's critique of the Anglican stance was taken up and elaborated by a number of other nonconformist writers, but not before it had received harsh criticism at the hands of two of the Church's most scathing Latitudinarian advocates.

Simon Patrick and Samuel Parker

The first to issue a retaliation against Wolseley's censure was the clergyman (later Bishop of Ely), and close associate of Stillingfleet, Simon Patrick. However, unlike the more seriously-minded theoretical exposition offered by his ally, Patrick's riposte took the form of a burlesque of a philosophical dialogue, in which the sincere assertions of nonconformists that there was an intrinsically spiritual element to faith existing outside the confines of morality and rational governance are lambasted as ontologically absurd. While titled *A friendly debate* (1668), Patrick's tract is anything but. It begins with an address asserting that the rational vigour of his arguments is capable of quelling any potential offence. The reader must only 'consider upon what account thou art offended'; if

> it be onely because the Author contradicts thy Opinions, and perhaps accuses them of folly, thou hast cause to turn thy displeasure from him upon thy self, for presuming so much of thy own infallibility: which if thou wilt not pretend unto, then read on further, and consider whether he contradicts thee with reason, or without: and howsoever it prove, thou wilt not repent thee of thy pains. For if he reprove thy Opinions without reason, thou wilt be more confirmed in them; if with reason, thou maist exchange them for better. (*To the Reader*)[258]

The theme persists throughout the pamphlet, as via the conversation of his two rivals, Patrick seeks to rescue natural reason from vilification and proclaim the unity between the moral decrees of nature and Christianity. Moreover, in depicting the disagreement over the realm of reason as the quintessential issue between dissenters and their conformist foes, Patrick's tract demonstrates just how decisively the arguments initiated by his Anglican predecessors had come to shape the Restoration controversy about uniformity and toleration.

The dialogue proper begins with a discussion between Patrick's archetypal foils regarding the merits of their respective ministers, whereby the conformist reproves the confidence of his dissenting counterpart and disparages the nebulousness of his minister's alleged ability to nourish

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[258] Simon Patrick, *A friendly debate betwixt two neighbours, the one a conformist, the other a non-conformist about several weighty matters* (1668). All references are to this edition.

his congregation and elucidate the Scriptures in a manner that was not merely logically but also spiritually satisfying:

> C. Psh! … Your Minister is afraid, lest any of you should go to Church, and like our Minister so well, that you should think there is no need of him.
>
> N.C. Away, away! There is no danger of that. He so far excels yours, that if we should come to hear him, it would onely make us like our own the better.
>
> C. Wherein (I pray you) doth this excellency consist?
>
> N.C. O Sir, he is a very powerful man Yours is a meer Dr. Dulman in compare with him.
>
> C. What do you mean? that he hath a louder voice, that he is more vehement, and lay~ about him more than ours? Or what is it? If you take him to be powerful, who presses his Doctrine with strong and powerful reasons, such as we cannot gainsay or resist; I believe our Minister will prove the more powerful of the two.
>
> N.C. It may be so. I have heard indeed that he is a man of Reason: but what is that to the Demonstration of the Spirit, and of power?
>
> C. True: there is no compare between these. But hath your Minister that Demonstration of the Spirit and of Power?
>
> N.C. Yes sure, if ever any man had.
>
> C. That's good news; for then we shall see that which before we only believed. Hath he the gifts of the Holy Ghost? Can he speak with Tongues, and Prophesie, and work Miracles, and tell us the thoughts of mens hearts?
>
> N.C. What do you mean?
>
> C. I mean that which the Apostle Saint Paul meant, who had this Demonstration of the Spirit, and of Power; which he gave the world, to convince them that Jesus was risen from the dead, and was made Lord of all, whom they were therefore bound to obey.
>
> N.C. But I mean something else. … I mean, that he is spiritually enlightened to search the deep things of the Spirit of God, which the natural man cannot discern.
>
> C. I wonder at you, that you should not discern the Apostle there speaks of the Holy Ghost (i.e. the wonderful Gifts of it) in them, which assured them of those things that no meer natural Reason could prove. I doubt your Minister is spiritually enlightened, because he doth not instruct you better in the Scriptures.

N.C. Scriptures? He never says any thing, but he quotes a place of Scripture for it. All his Sermons are nothing else: whereas yours are but Rational Discourses.

C. I remember I have heard a wise man say that one may talk nothing but Scripture, and yet speak never a wise word. And I verily believe it; for it is not the Word of God when we mistake its sense, as you commonly do.

N.C. Doth yours do any better?

C. Yes: he seems to me to make it his business to let us into the meaning of the Holy Book. And he backs his Reason, not with phrases snatch'd from thence, but with such place as manifestly speak the same sense that he doth.

N.C. I have heard him sometimes endeavour to open the Scripture, but methinks he doth not do it in a Spiritual way, but onely Rationally.

C. My good Neighbour, consider what you say. Do you think that these two words, Spiritual and Rational are opposed the one to the other If they be, then Spiritually is as much as Irrationally and absurdly.

N.C. No, pardon me there. I do not think those two are opposite; but Carnal Reason is opposite to the Spirit.

C. To speak properly, you should say that Carnal Reason is opposite to Spiritual Reason. That is, a Reason that is guided by Fleshly lusts is opposite to that which is guided by the Gospel of Christ.

N.C. I say, as I said before, it is opposite to the Spirit.

C. You must either mean as I do; or else that it is opposite to the Gospel, which is frequently called the Spirit in Scripture. But, pray tell me, how shall we understand the Gospel, by our Reason, or by something else?

N.C. By the Spirit.

C. What, must we have an immediate Revelation to make us understand its sense? or must we study and consider, and lay things together, and so come to know its meaning?

N.C. Yes, we must give our minds to it, and then the Spirit enlightens us.

C. That is, it guides us to reason, and discourse, and judge aright. Is not that it you mean?

N.C. No; I mean it shines into our minds with its light.

C. These are phrases which I would have you explain if you can. My Question is this, Doth the Spirit shew us any new thing, which is not the conclusion of the Reasonings and Discourses in our minds about the Sense of Scripture?

> N.C. I cannot say it doth.
>
> C. Then you confess that the Scripture is to be interpreted in a Rational way; we not having that which is truly to be called Spiritual in distinction from the other, viz. the immediate revelation of the Holy Ghost, which the Apostles had.
>
> N.C. Still I cannot think that this is Spiritual.
>
> C. That is, you are prejudiced: or else you phansie everything that you do not understand to be Spiritual. … Truly, if you have any other manner of understanding besides this, and have not the extraordinary gifts of the Holy Ghost; I conclude you take the sudden (and many times pretty) suggestions of Imagination to be Illuminations from above.
>
> N.C. Now you have hit on something that I would have said: The Spirit doth often dart things into my mind. (pp.4-8)

There may not be proof against the possible intervention of divine revelation, a true miracle of spiritual apprehension, however there could not be any substantial evidence to verify it either, and claims of illumination could easily be portrayed as not only false but blasphemous. Floundering and trapped into a cyclic repetition of ambiguous inanities, Patrick's nonconformist is an unconvincing opponent. As the man said when 'he shear'd his Hogs, Here is a great deal of noise, and little wool' (p.15). Certainly, a singular and vital part of the criticism launched by Patrick's conformist is that the dissenting case rested upon the espousal of a series of meaningless locutions – affective and effective, but essentially rhetorical fraud. For Patrick's conformist, this corruption was born during the Interregnum, when

> As soon as you had cast out of doors all that was Old among us; if any Fellow did but light upon some new & pretty Fancy in Religion, or some odd unusual Expression, or perhaps some swelling words of Vanity presently he set up for a Preacher, and cry'd up himself for a man that had made some new discovery. And such was the confidence of these men, both in inventing strange Language, and proclaiming their great Discoveries every where, that the poor people were perswaded … [Everyone] dressed up Religion in affected Language of his own making; and new Expressions, if not new Notions, were heaped one upon another every year; till none knew what Christianity was. (pp. 34-38)

The birth of sectarianism is presented here as premised on a loss of linguistic control, freedom of speech begetting an anarchy of competing divinations that threatened to eclipse Christianity altogether. However, patently overstating the threat, Patrick's Anglican is deploying a rhetorical tactic of his own. He wishes to incite in his readership both a sense of fear and a distrust of appeals to the work of the Spirit, burdening dissenters with a need both rationally to explain and positively to substantiate their contentions.

This was not Patrick's only ploy. It was also imperative for his Anglican advocate to challenge the nonconformist position upon the relationship between morality and religion, and affirm the crucial concord between the ethical codes of nature and Christian doctrine:

> N.C. ... when I come to Church, I look not for Moral, but Christian Doctrines.
>
> C. How now? Do you oppose Morality and Christianity? Is not the former a part of the latter? I mean; doth not the Christian Religion teach us the highest Morality?
>
> N.C. No I think it doth not meddle with it.
>
> C. Then you talk of this as you do of many other things, without understanding. Pray what is Moral Doctrine?... I always took it to be that Doctrine which teaches us how to regulate our manners, that is, to order and govern our actions, or our whole Behaviour in this World. Now I appeal to any man that reads the Gospel, whether this be not the very design of it, to teach us to live soberly, righteously, and godlily.
>
> N.C. Is this morality?
>
> C. Yes, that it is. And therefore I said that Christian Religion advances Morality to the greatest height; because it gives us the best and most excellent Motives to live soberly, righteously, charitably, and piously in this World.
>
> N.C. For all this, I think it were better if Jesus Christ were more preached.
>
> C. Still I see you deceive your self, and trouble the world with Phrases. Doth not he preach Jesus Christ that preaches his Doctrine? (pp. 41-45)

For Patrick's conformist, both morality and Scripture aspired to the same virtuous ends, and were in effect indistinguishable. Moreover, at the core of both their teachings was the promotion of

social order and harmony, which leads to Patrick's defence of the magistrate's unimpeachable authority over all indifferent matters both civil and ecclesiastical. For, when Patrick's nonconformist decries the government's 'unlawful' restriction of his 'Christian liberty', he receives a derisive backlash

> C. Goodly! what fine things do your Christians make themselves, that must be restrained in nothing, though for publick Orders sake! … Put the case then that you (being Master of a Family) will have your Children and Servants to come at a certain time and place, &c. to worship God. It is indifferent indeed in it self, and all one to God, whether it be at ten, eleven, or twelve a clock, or in what part of your House they meet … Do you really think that this is any such Restraint of their Liberty, as they have just cause to complain of it? Would you think you took too much upon you in making these Orders for your Family, of which you are Governour? Or would you judge that Servant to be without fault, and guiltless of any Contempt, who should say, that he will come at ten of the clock, but not at twelve; because it matters not which, so the thing be done; and he will not be tied to any Order, but to do the thing? … Would you excuse them, and acknowledge your own guilt in making such Injunctions? Or would you not rather treat them as a company of saucy Clowns and ill-bred Fellows, not fit to be kept in any orderly family? If you should not, all the world would hold you as ridiculous as they. For every Master of a family is vested with sufficient authority to see such commands as those observed. … Just like this is the present case before us. The Church is but a larger Family, a wider Society, in which the King is the Father and Supreme Governour. (pp. 104-9)

Illuminating the wider implications of nonconformist assumptions with an economic parallel, Patrick's Anglican drowns out the qualms of his opponent and leaves dissenting doctrine (in the eyes of a seventeenth century man and master) to appear unthinkable. The passage affirms Patrick's aim throughout the tract: to paint the nonconformist cause as an irrational aberration, and condemn the impertinence of those who 'by their Confidence and bold pretence of the Spirit would over-bear all sober Reason, and impose all their fond Opinions on us; making the poor people believe that they are God's only Favourites, and fit to teach and rule the whole Nation' (p. 205). Needless to say, the Archbishop of Canterbury, Gilbert Sheldon, was delighted with Patrick's efforts and commissioned two more *Friendly Debates*, published in 1669 and 1670, respectively.

The most vehement rebuttal of Wolseley's pamphlet, however, was issued by the notorious Anglican apologist, and future Bishop of Oxford, Samuel Parker. Despite having been brought up in a strictly Puritanical fashion at Northampton grammar school and moving on to Wadham College, where he was under Presbyterian tutelage, and, steered by the guidance of Ralph Bathurst, became a keen Anglican before being ordained in 1664. From there, as with Patrick, Parker's polemical talents attracted the attention of Archbishop Sheldon, and he was recruited as a domestic chaplain in November 1667. Parker's years in Sheldon's service saw him earn a reputation as one of the most aggressive and sophisticated opponents of religious toleration. His most notorious work, and the one under examination here, was *A Discourse of Ecclesiastical Politie*, which, although dated 1670, appeared in 1669. Parker claimed that his original intention had been for the treatise to use reason to uncover 'the lamentable Folly and Silliness of these mens [the nonconformists'] Religion', but that the publication of Patrick's tract had rendered this unnecessary. As such, he had determined instead to attest to the civil magistrate's right to mandate that nonconformists adhere to Anglican religious ceremonies, and encourage the use of this power 'to force them to … Modesty and Obedience by severity of Laws' (p. x).[259] As Jon Parkin notes, the 'book generated a storm of controversy for its vitriolic style and its absolutist argument'.[260] Parker took the significance of natural law within Christianity even further than Patrick, to the extent that the two became virtually synonymous, eliminating any supernatural sphere, and with it the right to toleration. As such, Marvell declared it a 'more ridiculous and profaner Book, than *all the Friendly Debates* bound up together', and vouched he 'never saw a more bold and wicked attempt, than that of reducing *Grace*, and making it a meer *Fable*, of which he gives us *the Moral*'. Parker's line of reasoning was, in Marvell's view, tantamount to atheism, as 'if Grace be resolv'd into Morality, I think man may almost as well make God too to be only a Notional and Moral Existence'.[261]

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[259] Parker, *A Discourse of Ecclesiastical Politie* (1670).
[260] Jon Parkin, 'Parker, Samuel (1640–1688)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com/view/article/21336, accessed 1 May 2020]
[261] Andrew Marvell, *Prose Works of Andrew Marvell*, I, pp. 101, 200.

However, although the *Discourse* is an extreme formulation of scholastic natural law in relation to Church government, Parker acknowledges his substantial debt to preceding Anglican apologists, and Richard Hooker in particular, presenting himself as Hooker's disciple in an ongoing war against 'a Rout of worthless and unregenerate Reprobates' (p. v). Parker proclaims it his mission to oppose 'the first and the last and the great Pretence of Non-conformity', wherein 'the very Mystery of Puritanism consisteth', viz.

> That nothing ought to be established in the Worship of God, but what is authorized by some Precept or Example in the Word of God; that is the complete and adequate Rule of Worship: and therefore, Christian Magistrates … whatever they injoin in Divine Worship, if it be not expresly warranted by a Divine Command, how innocent soever it may be in it self, it presently upon that account loses not only its Liberty but its Lawfulness. (pp. 174-75)

Of this ruse, Parker marvels that there should be any 'so impudent, as thus long and thus confidently to pretend it', when it has 'not the least shadow of Foundation either from Reason or from Scripture; and was scarce ever so much as thought of, till some men having made an unreasonable Separation from the Church of England, were forced to justifie themselves by as unreasonable Pretences' (p. 175). Yet this controversy between 'the Church of England, against its Puritan Adversaries', Parker claims, 'has all along been nothing else but a Dispute between rational Learning and Unreasonable Zeal' (p. 197); 'it has been no less an Unhappiness, than a Condescention in the Defenders of our Church; that they have been forced to waste their Time and their Parts, in baffling the idle Cavils of a few Hot-headed and Brainsick people' (p. 197). For there had been, in Parker's view, 'so many absolute Triumphs and Victories' for the Anglican cause, of which, he declares,

> I shall only single out that famous Champion of our Church, Mr. Hooker; upon him let them try their Courage (though by so safe a Challenge I do but give proof of my own Cowardise.) How long has his incomparable Book of Ecclesiastical Polity bid shameful defiance to the whole Party, and yet never found any so hardy

> as to venture upon an Encounter? … the Book it self is as full and demonstrative a Confutation of their Cause, as the matters contained in it; i.e. 'tis Unanswerable. (p. 199-200)

Yet, while 'Folly and Phantastry [still] appears in the Vizour of Holiness' (p.iii), a still more virulent onslaught was required, and Parker continues with a theological exposition designed to vindicate natural reason as a central tenet of Christianity.

In Parker's view, one of the most fundamental nonconformist ideas that required urgent repudiation was their specious concept of the nature and role of conscience. To the dissenters, Parker claims: 'Every thing any man has a mind to, is his Conscience', consequently

> Making men to talk of little else but Raptures and Extasies, and filling the World with a buzze and noise of the Divine Spirit; whereby they are only impregnably possess'd with their own wild and extravagant Fansies, become saucy and impudent for Religion, confound Order, and despise Government. (p. 57)

For Parker, conscience could not be an infallible, autonomous authority, rather it was (as for Aquinas and Hooker) an act that 'relates to the Iudgment of moral Actions'. As such, when 'debauch'd with vice, and wicked principles' or held captive by 'violent, boisterous, and ungovernable passions', instead of being guided by 'the Dictates of Reason & Nature', the result was a 'vicious and diseased Conscience' that required discipline 'as much as all other immorality' (p. 11). Therefore, Parker deemed it to be 'absolutely necessary to the Peace and Government of the World, that the Supreme Magistrate of every Common-wealth should be vested with a Power to govern and conduct the Consciences of Subjects' (p. xliii). Parker sought to validate this reasoning by establishing the historic indivisibility of civil and ecclesiastical power. 'We may observe', he remarks,

> That all Supreme Power; both in Civil and Ecclesiastical Affairs, issues from the same Original … For as in the first Ages of the world, the Fathers of Families were vested with a Kingly Power over their own Posterity; so also were they with the

> Priestly Office ... in order to the better security of their Government; as well knowing the tendency of Superstition, and false notions of the divine worship, to Tumults and Seditions; and therfore, to prevent the disturbances that might spring from Factions in Religion. (pp. 28-32)

This authority was not in any way an impeachment of the authority of Christ, 'the Government of Religion, being vested in them by an antecedent and natural Right, must without all controversie belong to them' and 'unless our Saviour had expresly disrobed the Royal Power of its Ecclesiastical Jurisdiction, nothing else can alienate it from their Prerogative' (p. 34). As for the lack of any express confirmation of Christ's acquiescence to the magistrate's religious powers, the answer was obvious: ''tis no wonder if he left no Commands to the Civil Magistrate for the right Government of Religion; for to what purpose should he give them a new Commission to exercise that Power, that was already so firmly establish'd in the world by the unalterable dictates of Natural Reason, and Universal Practice'? (pp. 34-5). Scripture too, Parker interprets, readily supposes this framework: 'What else means that Promise, That Kings shall be nursing Fathers to the Church of God, unless by their Power they may cherish and defend the true Religion, and protect it from being destroyed by Hereticks and Seducers?', or 'when it styles our Saviour King of Kings, and makes Princes his Vicegerents here on earth?' (p. 36). Parker attempts to destabilize the nonconformist notion of the conscience as a reliable guide and justify the righteousness of the magistrate's right to reign over his subject's otherwise susceptible consciences in accordance with both the laws of nature and scripture.

Moreover, like Patrick, Parker seeks to confound the derogatory attitudes held by dissenters towards mere morality - over which the sovereign could hold sway - in comparison with matters of religious worship - over which only God could have dominion. It 'strikes me with wonder and amazement', he cries, 'That men should be so shy of granting the Supreme Magistrate a Power over their Conscience in the Rituals and External Circumstances of Religious Worship, and yet be so free of forcing it upon him in the Essential Duties of Morality', which are 'at least as great and material Parts of Religion, as pleasing to God, and as indispensably necessary to Salvation, as any

way of Worship in the World' (pp. 67-68). The 'Practice of Vertue consists in living suitably to the Dictates of Reason & Nature. And this is the substance and main Design of all the Laws of Religion' (p. 68), so much that 'all true Religion can consist in nothing else but either the Practice of Vertue it self, or the use of those Means and Instruments that contribute to it' (p. 69). All 'Duties of Devotion (excepting only our returns of Gratitude) are not Essential parts of Religion, but are only in order to it, as they tend to the Practice of Virtue and moral Goodness' (p. 70). As for the Spirit, although nonconformists might argue ''Tis not enough ... to be completely Virtuous, unless we have Grace too'; yet, objects Parker, 'when we have set aside all manner of Virtue, let them tell me what remains to be call'd Grace, and give me any Notion of it distinct from all Morality, that consists in the right order and government of our Actions in all our Relations, and so comprehends all our Duty: and therefore if Grace be not included in it, 'tis but a Phantasm, and an Imaginary thing' (p. 71). Certainly, 'if we strip those Definitions that some men of late have bestowed upon it, of Metaphors and Allegories, it will plainly signifie nothing but a vertuous temper of mind; and all that the Scripture intends by the Graces of the Spirit, are only Vertuous Qualities of the Soul, that are therefore styled Graces, because they were derived purely from Gods free Grace and Goodness' (p. 72). In Parker's theology, there is no supernatural realm of divine communication, and the workings of grace are one and the same with the laws of nature. Regarding the beliefs of his nonconformist adversaries, Parker casts the allegation that

> they have brought into fashion a Godliness without Religion, Zeal without Humanity, and Grace without good Nature ... have found out in lieu of Moral Virtue, a Spiritual Divinity, that is made up of nothing else but certain Trains and Schemes of Effeminate Follies and illiterate Enthusiasms. (p. 74)

Ultimately, Parker's conclusion is nothing new. 'The whole State of Affairs', he construes, 'is briefly this': 'Man is sent into the World to live happily here, and prepare himself for happiness hereafter;

this is attain'd by the practice of Moral Vertues and Pious Devotions; and wherein these mainly consist, Almighty Goodness has declared by the Laws of Nature' (pp. 80-81). Yet,

> because in both there are changeable Cases and Circumstances of things, therefore has God appointed his Trustees and Officials here on Earth to Act and Determine in both, according to all Accidents and Emergencies of Affairs, to assign new Particulars of the Divine Law, to declare new Bounds of right and wrong, which the Law of God neither does nor can limit. (p. 81)

However, facing pressure from the nonconformist ranks, in reaching this point Parker appears to have taken the more nuanced and tentative suggestions of his Anglican predecessors and forced them to their most extreme inferences, almost entirely removing the significance of revelation within the construction of the Christian Church, and reducing its purpose to the promotion of moral virtue. Increasingly, the defence of orthodoxy seems to have become surprisingly unorthodox.

John Owen and Robert Ferguson

Parker's tract attracted extensive attacks from nonconformists, scandalised by its stance on the irrelevance of revelation when it came to determining the government of God's church. These critics were deeply disapproving of Parker's reliance upon natural law and reason, which they associated reproachfully with pagan philosophy. Following Wolseley's approach, their defences were built on attempts to prove the existence of a supernatural sphere of grace and proclaim (from a voluntarist perspective) the necessity of divine will in establishing the model of Christian worship. The most significant of the early replies to the *Discourse* was John Owen's *Truth and Innocence Vindicated* (1669), in which Owen denied both that civil magistrates had the power to constrict the conscience and that the perils which Parker had associated with a free conscience were false, instead proclaiming that grace and moral virtue were fundamentally distinct.

Owen's summary of Parker's *Discourse* was certainly severe, painting it as a literally devilish attempt to beguile the monarch 'to invade or usurp the Throne of God' and support 'Lucifer' in the 'setting up of his power in and over the Church in its Worship' (pp. 383-85).[262] For Owen, however, this behaviour was not an isolated incident; it was indicative of the endemic erosion of Protestantism and its devotion to scripture. Although 'a work of Reformation was carried on in the world' (p. 394), an attempt to restore the 'Power of the Gospel', 'the acknowledged Doctrines of it [have been] deserted, its ancient principles and practices derided, its pristine zeal despised' (p. 395). The Church now 'tramples' on those who 'proceed on no other Principles, than those of the Liberty of judgement … for the determining of themselves and their own practices, in what they believe and process about Religion, and the liberty of their Consciences from all humane impositions' as were 'owned, pleaded and contended for by the first Reformers, and the most learned defenders of the Church of England, in their disputations against the Papists' (p. 399). Just as Hooker had been slighted as a perfidious pseudo-Catholic for his Thomist theology, here Owen presents Parker with the charge of betraying Protestant principles - 'the profit and advantage of his Design falls clearly on the Papal Interest' (p. 10). Yet Owen doesn't stop there, continuing to accuse Parker of renouncing Christianity all together. For 'the Scheme he hath given us of Religion, or Religious duties, wherein there is mention neither of Sin, nor a Redeemer … would rather bespeak him a Philosopher, than a Christian' (p. 10). To Owen's mind, Parker's focus upon natural law and affirmation of human reason almost made salvation subject to human agency, denying the inherent impiety of man's nature and removing the necessity for Christ's own sacrifice. As we will see, the fact that Parker's theory could be perceived as perilously close to paganism is a recurring theme in Owen's denunciation of Parker's theology.

Owen did concede, however, that there was an issue Parker highlighted that was worth more extensive interrogation: 'that the Non-Conformists under pretence of preaching Mysteries

[262] John Owen, *Truth and Innocence Vindicated* (1669).

and Grace, do neglect the pressing of Moral Duties ... without which, Religion is but a pretence and covering for vice and sin' (p. 54). Here Owen does wish to engage with Parker, and to clear the name of nonconformity from such aspersions. For 'Moral duties they do esteem', he insists, although

> It is true they say that on a supposition of that performance whereof they are capable without the assistance of the Grace and Spirit of God, though they may be good in their own nature, and useful to mankind, yet they are not available unto the salvation of the souls of men; ... [or] for their Justification before God ... for we are justified freely [only] by his Grace. (pp. 55-56)

As such, 'there is no Villany in the Religion of those men, who distinguish between Vertue and Grace ... this being the known and avowed Religion of Christianity' (p. 218). The 'very name of Vertue ... comes from the Schools of Philosophy, and not from the Scripture' (p. 183), and the 'word Moral is yet far more exotick' (p. 185) to the Gospel. Now, Owen admits Parker's opinion that these terms refer to 'the Law written in the hearts of all men by Nature, which is resolved partly into the Nature of God himself' and 'whereof the Decalogue is summarily expressive' (p. 188). However, while 'the Law was given by Moses ... Grace and Truth came by Jesus Christ' (p. 192) and were entirely distinct. For 'Grace is purely Scriptural', the 'World knows nothing of it but what is declared in the Word of God', and 'All the Books of the Ancient Philosophers, will not give us the least light into that notion' (p. 192). It is 'the free Grace, or favour of God towards sinners by Jesus Christ' and the 'effectual working of the Spirit of God, in and upon the minds and souls of Believers ... which are called Grace' (p. 193) - neither of which were in any way reducible to a matter of mere morality. Regarding his definition of grace, Owen anticipates further accusations of sanctimonious circumlotion - 'It may be our Author will be apt to think that I Cant, use Phrases, or fulsome Metaphors' (p. 194) - but challenges his readers with the accumulative consequences of disbelieving:

> What if all this Discourse concerning the Preachings of Non-Conformists be, as unto the sense of the words here used, false, and the Crimes in them injuriously charged upon them? What if the Metaphors they are charged with, are no other but their expression of Gospel Mysteries not in the words which mans wisdom teacheth, but which the Holy-Ghost teacheth, comparing spiritual things with Spiritual? (p. 20)

The workings of the spirit were so completely distinct from human sagacity and the rational law of nature that there could be no sensible justification for condemning the incomprehensibility of nonconformist accounts of revelation.

Equally, there could be no sensible justification for allowing church government - as Owen would have it, an intrinsically spiritual institution to be dictated by natural law, much less the magistrate. For 'there is an especial and formal difference between … moral Vertues, and Instituted Worship': the one 'depending as to their Being and discovery on the light of Nature, and the dictates of that Reason which is common to all'; the other 'on pure Revelation, which may be, and is variously apprehended' (p. 232). Hence it is that 'whereas there is no difference in the world about what is Vertue and what is not, there is no Agreement about what belongs to divine Worship and what doth not' (p. 232). Therefore 'Instituted Worship', Owen insists, 'we believe to depend on supernatural Revelation'; the 'light of Nature can no way relieve or guide us in it or about it, because it refers universally to things above, and beyond that light' (pp. 313-14). So it is that

> antecedent to the Consideration of the power of the Magistrate, and all the Influence that it hath upon men or their Consciences, there is a superiour determination of what is true, what false in Religion, what right and what wrong in the Worship of God, wherein the Guidance of the Consciences of men doth principally depend, and whereinto it is ultimately resolved… And I think there is no Principle, no common presumption of Nature, nor dictate of Reason more evident, known, or confessed, than this. (pp. 100-101)

Owen contends that it is in fact a natural law and right - 'obligation' and 'liberty' - to obey the direct commands of God, as received within each individual's conscience. Moreover, in this duty, no issue is one of 'indifferency', 'be the things themselves in our eye great, or small', we are bound to observe

our conscience's decree, regardless of the loyalty we owe to our magistrate by the precepts of nature; 'the Will' and 'Command of God made known by Revelation' may suspend 'the greatest command that we are obliged unto by the Law of Nature in reference unto one another' (p. 101). Conscience, Owen maintains, belongs to God alone, and it is his will rather than reason that determines its conduct. As for Parker and his Anglican predecessors, never, Owen asserts, 'was there a more horrid attempt' to keep men's consciences 'from the direct and immediately influencing Authority of God' (p. 69).

Among those who joined the fray to corroborate Owen's arguments against Parker regarding natural virtue and supernatural grace was the Scottish pamphleteer, Robert Ferguson. Ferguson's *A Sober Enquiry into the Nature, Measure and Principle of Moral Virtue* (1673) was dedicated to Owen's own forerunner, Charles Wolseley, for 'degrad[ing] Reason from that Supreme *Judicature* that some would erect it into' and 'vindicating also the Scriptures to their Divine Author' – and, like Wolseley and Owen, Ferguson saw defending 'the mystery of Particular Doctrines' within Christianity as essential for establishing the right to nonconformity.[263]

Ferguson opens his pamphlet by citing what in his view was Parker's most basic theological error: 'Moral vertue (saith a late Author) is not onely the most material and useful part of all Religion, but the ultimate end of all its other duties: And all true Religion can consist in nothing else' (p. 4). He vouches that

> vertue & grace are not only made co-incident; morality and Religion in its utmost latitude made convertible terms: but in the pursuance of these Notions, men are acted to vent all manner of contempt against the Spirit of God, deriding the inward operations, quicknings and influences of the Holy Ghost, as Enthusiastick dreams, canting phrases, & the fumes of Religious madness. (p. 4)

[263] Robert Ferguson, *A Sober Enquiry into the Nature, Measure and Principle of Moral Virtue* (1673).

As with Owen, it was Parker's conflation of the laws of nature with the laws of revelation, and scathing cynicism regarding the operations of the Holy Spirit, that were the most controversial facets of his case for uniformity. Ferguson acknowledges that on one hand, 'to separate grace from vertue, and to set faith and morality at variance, cannot but furnish men Atheistically and irreligiously disposed', however, on the other, 'to swallow up the whole of Religion in morality, seems a plain renouncing of the Gospel' (p. 5). For 'if the Christian institution doth not introduce any new duties distinct from the eternal rules of Morality', Parker must 'confine himself to the Decalogue; that being a plain and full system of the law of nature', which is plainly to 'overturn the whole fabrick of Christianity' (pp. 5-6).

Ferguson then proceeds to outline, just as Owen had done, his understanding of the term virtue, and its pagan ancestry. 'Vertue', Ferguson repeats, 'is a term seldome occurring in the Scripture' (p. 7); yet, if 'we consult the Philosophers, we shall find ἀρετή' to signify 'a habit or facility of working or acting conformably to the Law of Right Reason' (p. 10). Yet while the ancients sought relief from philosophy, it became a snare to them and so they 'proved of all men the greatest enemies to the righteousness and grace of God by Christ', 'vessels filled with arrogancy, self-estimation and presumption' (p. 23). As for grace, Ferguson claims, this is 'a word which we are peculiarly indebted to the Scripture for', there is 'not one of the Philosophers who gives us the least acquaintance with those notions of Grace, which the Gospel chiefly unfolds' (p. 35). The classification of grace according to the word of God was as follows: it is used 'to declare the favour of God towards sinners, in recovering them from sin and wrath by Jesus Christ' (p. 36), and it is 'applied to express the effectual working of the Spirit of God, imprinting his Image on the Souls of men, and thereby elevating, moulding and disposing them to comply savingly with the Gospel' (p. 38). What it was not, Ferguson insisted, was anything to do with human nature, reason or morality - a hypothesis that had 'become the darling of too many' (p. 55).

Henceforth, Ferguson begins his demolition of natural law as a faculty that could have any bearing upon the teachings of God's church. 'Since the Fall', Ferguson cites the voluntarist argument, the 'Dictates of the Law of Nature [have] grown inevident, obscure, [and] subject to controversie' (p. 82). Now, 'the only sure, universal, perfect System of natural law is the Decalogue of Moses'; for 'Reason is now darkened by sin, and misted by prejudice, passion and self-interest' (p. 81). Consequently, 'men pretend to Right Reason in things contradictory … each man determining as humour, education, lust, or profit swaye's him' (p. 81). As Owen had noted, Parker's theological minimisation of sin was a gift to nonconformist critics, who sought to chastise their opponents' unfounded arrogance, and maintain the impossibility of human authority over the government of worship and individual conscience. For dissenters, the remedy to humanity's transgression, and only true source for determining the practices and structure of Christian devotion, was the New Testament. To aid humanity's abject state, Ferguson attests, '*God out of his Soveraign pleasure, and infinite free Grace, proposed a Remedying-Law, treating with us upon New terms, and giving us a New standing in a Covenant-Grace*'. At which, 'the Law of Creation was but one part of the Rule of that obedience we owed to God, the condition of the New Covenant making up the other part of it'. Regarding the relationship between these two laws, Ferguson maintains a strict hierarchy: 'that the Original Law is now brought into a *subserviency and subordination to the Remedial-Law*' (p. 129), and the Thomistic idea of a divine reason flowing through humanity, and guiding our actions independently, is nowhere to be found.

However, this did not mean that the directives of Scripture were easily discerned, and Ferguson is as adamant as any Anglican apologist that the truths of the Gospel were a complex matter. Yet unlike the conformist emphasis upon a necessarily rational interpretation of the Word, Ferguson's criteria for a legitimate interpretation were somewhat different. Instead, he deemed a spiritually and emotionally sensitive reading of Scripture was required. Anglican 'knowledg of Gospel-mysteries is not affective', Ferguson bemoans, they 'do not savour the things they assent to'

(pp. 144-45). For it 'is one thing to know in the Light of Reason, and another thing to know in the Light of the Spirit', and 'the doctrines of the new Covenant [must be] ... *Spiritually discerned*', as they 'lye out of the *Gust* and true perception of a Carnal man' (pp. 145-46). This being asserted, Ferguson moves on to the issue of Church government and the impotency of natural law to determine its form and decrees. Since 'as Natural Light fals short of being a sufficient measure of the *Credenda* of Religion, so far doth it also fall short of being a Measure of the *Agenda* of it' (p. 170), and 'can direct us unto none of the Duties which proceed' (p. 173) from its truths. Ferguson does not deny that 'that Natural Light instructs us, That God is to be Worshipped', but that it '*is no due measure for the Regulating of Divine Worship*' (p. 174). The implicit conclusion of this model was obvious: if the law of nature could have no influence upon the doctrines and practices of the Christian religion, neither could any human law proposed by the magistrate, and the right to toleration must be permitted.

Ultimately then, we have seen that the different conceptions of nature or reason and grace or revelation played a crucial role in shaping at least one subsection of arguments for or against religious toleration that were being articulated during the first two decades of the Restoration. Under the influence of Aquinas and Hooker, various Anglican apologists sought to present an account of grace that, to greater and lesser degrees, restricted its function to one of simply aiding moral conduct and the successful functioning of civil society through the use of natural reason. For them, there existed no "inner light" that was capable of permitting disobedience against God's ordained ministers and applying to grace to support such dissent was merely a cover for sedition.

All these writers adhere to the classic definition of Latitudinarian values regarding religious doctrine: that 'natural religion is the foundation of revealed religion; faith is an act of reason; ... [and] terms which are antithetical to traditional Protestants - grace and virtue, faith and works -

mean essentially the same thing to the latitude-men'.[264] Yet, instead of demonstrating a tolerant outlook and attempting to incorporate a latitude of beliefs within the Church, these men were staunch Anglicans, who deployed Latitudinarian positions to justify the strict imposition of uniformity. Alternatively, the autonomous authority of grace was a crucial tenet in the theology of numerous nonconformist writers determined to undermine the supremacy of the rational law of nature. In their accounts, it was perfectly possible for a person to be internally inspired with a gift of grace from the Holy Spirit, which might alter their conscience's moral perceptions and produce individual decrees regarding religious ceremony that contradicted those stipulated by the Church and human reason. In such instances, nonconformity was required.

Literary Afterlife: Bunyan and "The Third Part" of *The Pilgrim's Progress*

The situation did not remain constant, however, and the arguments of those both for and against religious tolerance soon began to evolve from this dichotomy. From the Anglican perspective, Hooker's argument from nature only made sense as long as the civil magistrate was committed to upholding the Church's religious monopoly. Yet Charles II was never a reliable friend to the Church. The King's declaration of indulgence in 1672, although soon withdrawn under pressure, highlighted how fragile the Church's religious hegemony was, a situation further compounded by the revelation of the Duke of York's conversion to Catholicism. The argument in favour of conformity from nature thus began to look less and less attractive. Accordingly, the Church moved away from the type of argument against nonconformity first propounded by Hooker and reframed its case around the contention that forceful persecution was justified by the need to save souls. Nonconformity now came to be regarded as sinful because it involved schism from the one true

[264] Isabel Rivers, 'Grace, Holiness, and the Pursuit of Happiness: Bunyan and Restoration Latitudinarianism' in *John Bunyan: Conventicle and Parnassus*, ed. N. H. Keeble (Oxford: Clarendon Press, 1988), p. 50.

Episcopal Church, and recognition of the Church as the one true ark of salvation, the one sure route to God's grace, came to underpin Anglican argument. Meanwhile, in a rather startling development, Parker, the divine who had done the most to propagate the argument against dissent from nature, now decided such arguments were destructive to the Church's battle with dissent. Attacking his former ally, Stillingfleet, Parker's *The Case of the Church of England Truly Stated* (1681) made the case for *iure divino* episcopacy, promoting the idea that the church's nature as a society was constituted by its political order under the power of the bishops.[265] From defending conformity through elevating the importance of the law of nature, Parker now strove to combat dissent by refuting the very argument which had inspired his own naturalism. Parker's drift towards *iure divino* arguments and away from a view of uniformity centred on the civil magistrate was in line with a general shift in opinion in the Church, and both Jeffrey Collins and John Spurr have described how the Restoration Church came to put a greater emphasis on episcopacy, thus adopting a more Catholic ecclesiology.[266]

For nonconformists, the transforming political situation also led to a modification of their claims on behalf of toleration, although they retained some notable connections to the polarized debates over nature and grace that had characterised the discussion of religious liberty during the 1660s and 1670s. For example, many tolerationists, most famously John Locke, retained the idea (abandoned by their opponents) that conscience could not be coerced, and continued to argue that religious persuasion was never brought about through purely natural means.[267] Religious conviction always required something above the ordinary causes of argument or forced compulsion, it required

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[265] Stillingfleet's *Mischief of Separation* (1680), pp. 16-18, and *The Unreasonableness of Separation* (1681), p. 287, had hinted that Stillingfleet still saw the Church as a national and natural society, maintained by the civil law maker, rather than a body founded in revelation.

[266] J. Collins, 'The Restoration Bishops and the Royal Supremacy', *Church History*, 68 (1999), 549-80; J. Spurr, *Restoration Church*, p. 281.

[267] Locke had, however, originally argued the case for uniformity in his *Two Tracts on Government*, published 1660. Furthermore, as their editor, Philip Abrahams notes, within the *Tracts* Locke drew so 'heavily on Sanderson's lectures *De Obligatione Conscientiae* and on at least the first book of the *Laws of Ecclesiastical Polity* they were effectively 'plagiarism''. (Locke, *Two Tracts on Government*, ed. Philip Abrams (Cambridge: Cambridge University Press, 1967), p. 16.

grace.[268] Moreover, developing the claims briefly suggested by Owen, nonconformists began to argue stringently that, 'Liberty of Conscience is a Natural Right, and that therefore Conscience ought not in any wise to be forced'.[269] Shifting from his former attitude towards the power of reason, Ferguson came to claim in 1687 that 'persecuting people for matters of meer Religion, be repugnant to the light of Nature, inconsistent with the fundamental Maximes of Reason'. Certainly, he continued, 'we hear now of nothing so much as … the Natural Right, and great Advantages of Toleration' - although this was intended as a Whiggish warning against trusting the placating promises of James II.[270] Yet, regardless of Ferguson's scepticism about the sincerity of various proponents of the natural right to toleration, that it had become a mainstay of nonconformist arguments was undeniable. William Penn defended 'Liberty of Conscience, as a natural Right'.[271] Locke concurred, declaring that 'Liberty of Conscience is every mans natural Right, equally belonging to Dissenters as to themselves; and that no body ought to be compelled in matters of Religion, either by Law or Force'.[272] Nature, whose decrees had formerly been espoused by the most virulent of Anglican apologists to justify uniformity, was now it seems a key permissive authority in the case for tolerance.

However, the dispute surrounding natural and supernatural law was revived almost verbatim in a somewhat different context, following the death in 1688 of the writer and Puritan preacher, John Bunyan. Previously jailed under the Act of Uniformity, Bunyan's spiritual fable, *The Pilgrim's Progress*, was composed 'partly to allegorize his religious experience as a guide for others, and partly to add his voice to the great debate over conscience that raged especially between 1667 and 1672'.[273] Formed of two parts, published in 1672 and 1684 respectively, Bunyan's tale follows

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[268] Locke, *A Second Letter Concerning Toleration*, pp. 19-22; *A Third Letter for Toleration* (1692), pp. 14-17.
[269] *A Discourse of Toleration with Some Observations upon the Late Act of Parliament* (1691), p. 4.
[270] Ferguson, *A Representation of the Threatning Dangers* (1687), p. 37.
[271] William Penn, *A Reply to a Pretended Answer* (1695), p. 15.
[272] John Locke, *A Letter Concerning Toleration* (1689), p. 48.
[273] Richard L. Greaves, "Bunyan, John (bap. 1628, d. 1688), author", *Oxford Dictionary of National Biography* (Oxford University Press, date of access 13 Mar 2022),

the arduous struggle to eternal salvation of his protagonist, the pilgrim and warrior, Christian, and later his family. It was an appeal not only to persevere in living a righteous Christian life but to defy the state's demands for religious conformity. The devious character of Mr. Worldly Wiseman has often been associated with the Latitudinarian standpoint deployed by Anglican apologists such as Stillingfleet, Patrick and Parker. For, accosting Christian on his way to the goodly gate to heaven, Wiseman attempts to convince Christian to ignore the sound advice of the honourable Evangelist and follow Wiseman's easy way to be rid of the heavy burden of sin upon his back. 'Why, in yonder village (the village is named Morality) there dwells a gentleman whose name is LEGALITY', Wiseman persuades, 'a very judicious man, and a man of a very good name, that has skill to help men off with such burdens as thine are from their shoulders'.[274] However, Wiseman's counsel leads into wretchedness, and Evangelist is forced again to intervene and rescue Christian, testifying that 'the just shall live by faith'. The allegorical message is not dissimilar to the claims made by Wolseley and other nonconformist pamphleteers: a moral life *alone* is not meritorious; grace is necessary. However, the fullest treatment of tensions between reason and revelation within *The Pilgrim's Progress* occurs in a section not written by Bunyan at all: namely, a spurious "*Third Part*" of the narrative, which was published in 1693 and proved so popular that by the nineteenth century it was included in most editions of the original.[275] Now largely ignored by Bunyan scholars, this pseudo-epigraphic sequel-come-homage to Bunyan's canonical work nevertheless provides an

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<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-3949>.

[274] John Bunyan, *The Pilgrim's Progress*, ed. W. R. Owens (Oxford: Oxford University Press, 2003), pp. 19-20.

[275] *The British Museum General Catalogue of Printed Books, Photolithographic Edition to 1955*, 263 vols. (London: British Museum, 1965), vol. 29 records at least fifty-nine editions of the *Third Part* printed in the eighteenth century and its inclusion in various editions of *The Pilgrim's Progress* until at least 1843. On the variety of adaptations and imitations of *The Pilgrim's Progress* from the 1690s onwards see Barbara A. Johnson, *Reading Piers Plowman and The Pilgrim's Progress* (Carbondale and Edwardsville, Ill.: Southern Illinois University Press, 1992), pp. 220-50; John Brown, *John Bunyan: His Life, Times, and Work* (London: Hulbert Publishing Co., 1885; tercentenary edn., rev. Frank Mott Harrison, 1928), pp. 456-61., and Susan Cook, 'Pilgrims' Progresses: Derivative Texts and the Seventeenth-Century Reader' in *Awakening Words: John Bunyan and the Language of Community*, ed. David Gay, James G. Randall, and Arlette Zinck (Newark: University of Delaware Press, 2000), pp. 186, 201. See also, Natasha Simonova, *Early Modern Authorship and Prose Continuations* (Basingstoke: Palgrave Macmillan, 2015), pp. 89-123.

indication of the resonance of the earlier debates over natural law and its relationship with religious liberty, as well as their association with one of the classic figures of literary nonconformity. As Barbara Johnson notes, it was a 'clear attempt to profit from Bunyan's phenomenal success, but it also correctly diagnoses what readers were hungry for'.[276]

The anonymous author of the 'Third Part' has the opening eulogy upon the *Pilgrim's Progress* make a wry insinuation of his own forgery: 'That it to charm the Reader may be said / With curious fancy, and create delight, / Which to an imitation must invite'.[277] The remainder of the narrative, as Susan Cook notes, continues 'in the spirit of a true sequel … it has the same geographical setting as Bunyan's text and relates the continued history of some of Bunyan's characters', and seeks seemingly to 'enhance' Bunyan's initial enterprise.[278] Although this time the allegory has a different hero named *Tender-conscience*. As in Bunyan's original, the champion of the tale meets with an array of characters as he traverses his way to redemption, some helpful, others less so. *Tender*'s chief nemesis is *Human-reason*, who seeks to coax *Tender* away from the custody of his righteous guide, *Spiritual-man*. In this episode, we see an imaginary rendition of the arguments regarding natural and spiritual faith, where once again reason is portrayed as a beguiling but fatal trap leading one away from the path of true religious belief. The encounter ensues just as *Tender* and *Spiritual-man* have escaped from the Valley of Destruction and resumed wearily their way to Heavenly Jerusalem. Bolting out from 'a little cave on the side of the highway, which was called the cave of Natural-speculation' (p. 121), they are intercepted by *Human-reason*, who, while declaring himself 'designed for the same place' (p. 122), maintains he knows a better route than the one communicated to the pair by the benevolent Shepherds, whose aid had already relieved them once before. *Tender*, 'tempted with a vain curiosity', insists upon listening to *Human-reason*'s arguments, much to the

[276] Johnson, p. 222.
[277] J. B., *The Pilgrim's Progress from this World to That Which Is To Come. The Third Part.* (1693).
[278] Cook, 'Pilgrims' Progresses', p. 189.

dismay of his unyielding companion. *Human-reason*, 'putting on a grave and serious countenance', pompously interjects:

> Gentlemen, it is not manly to fall into a passion, and abuse a stranger before you have just cause given you, especially when you are ignorant of, or may mistake, his quality. I am sprung of a right noble and illustrious family, and as ancient as any in the world, by my father's side. Understanding is my father, who is a Prince and a courtier, and of near kin to the royal family of heaven; therefore, as you are gentlemen, I hope you will use me with that respect which is due to my birth and extraction, and not run me down with reproachful names and scurrilous language. (p.125)

This assertion of his patrician lineage is short lived, however, as *Spiritual-man* rebuts *Human-reason*, framing his heritage from a distinctly more voluntarist perspective: 'give me leave to tell you, your mother is but of mean and obscure quality, and a notorious strumpet, and therefore you must excuse us if we esteem no better of you than a bastard, or at best, a very degenerate son, a mongrel breed, partaking more of your mother's vices than of your father's virtues' (p. 125). 'Her name was Sense', *Spritual-man* continues,

> the daughter of Animal-life, an old doting sot, that minded nothing else but eating, drinking, and sleeping, his birth place being nothing better than a dunghill; this was your goodly grandfather by your mother's side. Now he used to prostitute your mother when she was young to all comers and goers: and, among the rest, the prince your father fell in love with her, once upon a time, and lay with her, and begat you: so that you have no reason to glory in your high birth, but rather to be ashamed of your father's infirmity, in committing folly with such an adulteress as your mother. Besides, what signifies your being his son, unless you were endowed with his princely virtues? And he himself lost those virtues after he had defiled himself by copulation with your mother. For he was once quick-sighted as an eagle, but now his eyes are dim; in this you resemble him to the life, for you are purblind. He was active and sincere, but now dull and treacherous; in this also you are like him, for you are heavy and slow in all your operations, and as uncertain and wavering as the weather-cock. (pp. 126-27)

Unsurprisingly, the symbolic arguments made by *Spiritual-man* regarding *Human-reason*'s parentage - suggestive of the Fall - intimate that the perceptions of the faculty itself are a poor and fickle guide

to salvation. But *Human-reason* is not so readily beaten and attempts an empirical justification of his own religious worth:

> I believe and know there is a God as well as you, and worship him day and night: but I take not up this belief, nor practice his worship, on other men's credits. I do not blindly pin my faith to other men's sleeves, nor worship God according to the traditions of men, as you do; but I lay a sure foundation of my faith, I behold and contemplate this wonderful and glorious fabric of the world, and, by a regular deduction, I trace the footsteps of an eternal Divinity; whilst climbing up the chain of inferior and second causes, I at length fasten on the uppermost link, and clearly see the first and supreme cause, source, and spring of all things visible and invisible. Thus, as common bodily objects are the first and lowermost of all the chain of causes, so my senses are the first and lowest key to my faith, whilst, by a chain of rational inferences, I join the first and last things together, and make my senses, reason, and faith, to be all proportionably subservient to the adoration I pay the eternal Godhead. Thus I observe a due order, in letting that which is natural first take place, and then afterwards that which is spiritual; whereas, you take quite a contrary course, and so do all that hearken to those blind guides, the Shepherds on yonder mountain. For they teach you to begin at the wrong end, and lay aside the service of our sense and reason, (which are the essential properties of our nature,) to believe, by implicit blind faith the doctrines and opinions of such a number of men, pretending they were divinely inspired; and not only so, but to believe doctrines that are diametrically opposite to your reason, and the common sense and experience of the whole world. As, for example, they teach, and you must believe, that one can be three, and three can be one, contrary to the principles of natural reason; that God is man, and man is God; that a virgin could conceive a son, without the help of a man, and, after child-birth, remain a virgin; with many more opinions of the like nature, inconsistent with themselves, and with our fundamental principle of nature. (pp. 128-30)

Human-reason advocates the Latitudinarian arguments concerning the importance of natural reason as a measure for pious practice that were utilized by Anglican apologists during the first decades of the Restoration. Yet his denial of the Holy Trinity, not to mention Mary's perpetual virginity - a crucial Reformation doctrine - begins to indicate to a vigilant reader that *Human-reason* is not quite as holy as he appears. *Tender* is not that observant, commenting to *Spiritual-man*: 'If all be true that this man says, then, for aught I see, we are guilty of downright popery: [that] make its proselytes believe, by blind implicit faith, things directly contrary to common sense and reason' (p. 130).

Spiritual-man is prepared once again to counteract his adversary's ploy for *Tender*'s soul and embarks upon the most sustained speech within the entire narrative in order to convince his charge of the 'sophistry and deceit' of *Human-reason*'s 'false doctrine'. 'Be not credulous', he urges, repeating with more explicit emphasis his earlier caution vis-a-vis the true capacity of reason. For, although 'Before the fall of Adam ... It was then one shining diamond', now 'it is shattered into pieces' and 'we can boast of nothing but some broken remnants of reason, escaped from that fatal shipwreck of human nature, which still float up and down in a sea of uncertainties'. Ergo, our 'notions of things natural are liable to a thousand mistakes, ... and all our faculties turned upside down'; our 'discourse is rather rhetoric than reason, and has either a smatch of the serpent's subtle sophistry, or the woman's soft and insinuating eloquence' (p.131).

Spiritual-man continues to reinforce the dissenting case for a fundamental distinction between the natural and the supernatural spheres:

> while he would endeavour to persuade us, that divine and supernatural things are the objects of natural reason also. It is just the same thing as if he would go about to convince us, that we may hear with our noses, and see with our ears; we may as well do this, as discern divine and supernatural things by natural and human reason. God hath endued us with different faculties, suitable and proportionable to the different objects that engage them. We discover sensible things by our sense, rational things by our reason, things intellectual by our understanding; but divine and celestial things he has reserved for the exercise of our faith, which is a kind of divine and superior sense in the soul. Our reason and understanding may at sometimes snatch a glimpse, but cannot take a steady and adequate prospect of things so far about their reach and sphere. Thus, by the help of natural reason, I may know there is a God, the first cause and origin of all things; but his essence, attributes, and will, are hidden within the veil of inaccessible light, and cannot be discerned by us but by faith in his divine revelation. He that walks without this light, walks in darkness, though he may strike out some faint and glimmering sparkles of his own; and he that, out of the gross and wooden dictates of his natural reason, carves out a religion to himself, is but a more refined idolater than those that worships stocks and stones, hammering an idol out of his fancy, and adoring the works of his own imagination. (pp. 132-33)

Spiritual-man proves a convincing opponent, once again taking a traditional Anglican censure - this time, the allegedly audacious and fanciful practices of nonconformity, dependent as they were on

the light of spiritual grace - and redeploying the reproach to malign their own emphasis upon reason. For, although reason may be a 'handmaid', *Spiritual-man* states,

> faith is the mistress; sense and reason attend the out courts of the temple, but faith enters into the holy of holies. Now, without faith it is impossible to please God. Faith is the evidence of things not seen, the substance of things hoped for. That is that faith which thou, O Human-reason, hast so much condemned and vilified. This is that perspective glad through which we saw the glories of the Celestial Jerusalem. Therefore cease henceforth to speak evil of the way of the Lord; cease to prevent the souls of such as seek the Lord in sincerity, and with an humble faith. (pp. 135-36)

Spiritual-man's impassioned proclamation of the vital necessity of faith over reason induces an epiphany within *Tender-conscience*, who bursts 'out into tears for grief and joy; for grief, that he had suffered his mind to be warped by the seducing eloquence of Human-reason; and for joy, that Spiritual-man had so well answered and confuted his argument'. Finally, corresponding to the convictions of nonconformists, conscience was rescued by a revelation from the Spirit. As they leave, *Tender* sings an anthem of victory:

> Vain Human-reason boasts himself a light,
> Tho' but a wand'ring meteor of the night;
> Bred in the bogs and fens of common earth,
> A dunghill was the place of his high birth:
> Yet the impostor would aspire to be
> Esteem'd a son of noble pedigree;
> Vaunting his father's titles and his race,
> Tho' you see Mongrel written in his face.
> A better herald has unmask'd the sham,
> And prov'd a strumpet was the juggler's dam.
> In vain he seeks on pilgrims to impose,
> In vain he strives to lead them by the nose;
> The cheat's discover'd, and bright Truth prevails,
> When humble Faith doth hold the sacred scales.
> Reason and Sense are but deceitful guides,
> A better convoy God for us provides.
> Celestial Truth dwells in th' abyss of light,
> Wrapt up in clouds from Human-reason's sight;
> He that would see her as she's thus conceal'd,
> Must look by faith believing what's reveal'd.

> Reason may well at her own quarry fly,
> But finite cannot grasp infinity.
> Rest then, my soul, from endless anguish freed,
> Nor Reason is thy guide, nor sense thy creed,
> Faith is the best insurer of thy bliss,
> The bank above must fail before this venture miss. (pp. 137-38)

What is most remarkable about this passage is the author's plagiarism of two of the most infamous poems of the seventeenth century - themselves written with calculated anti-Latitudinarian references. The imagery of reason as an *ignis fatuus* and the reference to 'Bogs and Fens' come from John Wilmot, the earl of Rochester's *Satire against Reason and Mankind* (1674/5):

> Reason, an Ignis fatuus of the Mind,
> Which leaving Light of Nature, sense, behind;
> Pathless and dangerous wandring ways it takes,
> Through Errours fenny boggs and thorny brakes. (ll. 12-15)

Here Rochester transforms the Latitudinarian's concept of the 'Light of Nature' from a law defined by the rational, to one defined by 'sense' - and the insinuation is followed by a direct disparagement of Latitudinarian writers:

> From Patricks Pilgrime, Stillingfleet's replies;
> And this the very Reason I despise.
> This supernatural Gift, that makes a mite
> Think hee's the Image of the Infinite. (ll. 74-77)

Vilifying the Latitudinarians' elevation of human reason as vain and irreligious pretension, Rochester's poem received a direct response from Stillingfleet in sermon preached before the King in the following February. Here, Stillingfleet decried those, who, finding it

> impossible to defend their extravagant courses by *Reason*, the only way left for them is to make *Satyrical Invectives* against *Reason;* as though it were the most uncertain, foolish and (I had almost said) *unreasonable* thing in the World: and yet they pretend to shew it in arguing against it: but it is pitty such had not their wish, *to*

> *have been Beasts rather than men,* (if any men can make such a *wish* that have it not already) that they might have been less capable of doing mischief among mankind; by representing all the excellencies of humane nature, which are *Reason,* and *Vertue,* and *Religion,* but as more grave and solemn fopperies. But how hard are such men put to defend their vices, that cannot do it, without trampling under foot the most noble perfections of their own nature![279]

Stillingfleet's attack makes a retort to another of the *Satire*'s most incendiary passages, which negates all the Latitudinarians' emphasis on the law of nature and reason raising mankind above the sensual passions and superstitions of beasts:

> ... but for Man,
> I'le ne're recant, defend him if you can.
> For all his Pride and his Philosophy,
> Tis evident Beasts are in their degree,
> As wise at least, and better farr than he.
> ...
> Which is the Basest Creature, Man or Beast.
> Birds feed on birds, Beasts on each other prey,
> But savage Man alone does man betray:
> Prest by necessity they kill for food,
> Man undoes man to do himself no good. (ll. 112-132)

Thus, the author of the *Third Part* begins to incorporate suggestions of a far more subversive enemy of the orthodox church than those merely seeking toleration, teasing the Latitudinarian's worst fears that a growing disparagement of reason would lead not simply to dissent but to downright irreligion, for which Rochester was notorious.[280]

The second set of almost verbatim references within *Tender*'s song come from an almost equally feared opponent of the Anglican church: Catholicism. For it is Dryden's Aesopian pastoral *The Hind and the Panther*, which supplies the wording, including rhymes for the passage 'Celestial ... reveal'd':

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[279] Stillingfleet, *Fifty Sermons* (1707), p. 227.
[280] On the religious context of Rochester's *Satire*, see: Gillian Manning, 'Rochester's Satyr Against Reason and Mankind and Contemporary Religious Debate', *The Seventeenth Century*, 8:1 (1993), 99-121, and Kristoffer F. Paulson, 'The Reverend Edward Stillingfleet and the "Epilogue" to Rochester's "A Satyr against Reason and Mankind"', *Philological Quarterly*, 50:4 (1971), 658-63.

> Thy throne is darkness in th' abyss of light,
> A blaze of glory that forbid the sight;
> O teach me to believe thee thus concealed
> And search no father than myself revealed. (I, ll. 66-69)[281]

The lines 'Reason may well at her own quarry fly, / But finite cannot grasp infinity' are almost identical to Dryden's 'Let reason then at her own quarry fly, / But how can finite grasp infinity?' (I, ll. 104-5) - and the final lines of *Tender's* song also come from *The Hind and the Panther*:

> Rest then, my soul, from endless anguish freed,
> Not sciences thy guide, nor senses thy creed,
> Faith is the best ensurer of thy bliss:
> The bank above must fail before the venture miss. (I, ll. 146-9)

Unlike Dryden's earlier *Religio Laici*, the confessional passages drawn upon in *Tender*'s song offer a much more private mystical model of religious faith. Since, the divinity of Christ was established by miracles, Man must not seek to establish his beliefs by the exercise of his own reason, he must rely entirely on faith, the mysteries of the Church, and on the authority of heaven. The quotations are a remarkable appropriation of a Catholic text for Protestant purposes. Furthermore, much like Rochester's, Dryden's poem also contained an overt slur upon the Latitudinarians' growing influence within the Anglican church:

> Your sons of latitude that court your grace,
> Though most resembling you in form and face,
> Are far the worst of your pretended race;
> And but I blush your honesty to blot,
> Pray God you prove 'em lawfully begot:
> For in some popish libels I have read
> The Wolf has been too busy in your bed. (III, ll. 160-66)

[281] Dryden, *The Hind and Panther* in *The Poems of John Dryden*, II.

Meanwhile, Dryden's scorn for Stillingfleet was well-known, their conflict over Anne Hyde, the Duchess of York's conversion, having occurred only a year previously. Stillingfleet had emphatically denounced the posthumous revelation of the Duchess's conversion as lacking in intellectual grounds, and reasserted Anglican reason and authority:

> The way of her Satisfaction must needs appear very extraordinary; for towards the Conclusion she confesses, *She was not able, nor would she enter into Disputes with any Body*. Now where the Difference between the two Churches lies wholly in Matters of Dispute, how any one could be truly satisfied, as to the Grounds of leaving one Church, and going to the other, without *entring into matter of Dispute with any body*, is hard to understand ... what Satisfaction is to be had in this manner of proceeding? How could one bred up in the Church of England, and so well instructed in the Doctrines of it, ever satisfy her self in forsaking the Communion of it, without enquiring into, and comparing the Doctrines and Practices of both Churches? (pp. 57-68)[282]

Stillingfleet concludes: 'from all these things laid together, I can see no imaginable Reason of any force to conclude, that *she could not think it possible to save her Soul otherwise,* than by embracing the Communion of the Church of *Rome*' (p. 72). In other words, her conversion could not possibly be taken seriously, lacking both adequate reasons, and adequate Reason.

Alternatively, Dryden chose to base his own defence of the Duchess, in his contribution to the anonymous pamphlet, *Defence of the Papers Written by the Late King of Blessed Memory, and the Duchess of York* (1686), on its anti-intellectualism and lack of theological sophistication. According to Dryden, the statement in which the Duchess 'open'd her Heart without disguise' (p. 85) to confess her new faith contained such 'Spirit of Meekness, Devotion, and Sincerity' that it could not 'leave a Scruple that she was not in earnest' (p. 85). Her devotional honesty was commensurate with the simplicity of her writing 'moving, plain, without Artifice, and discovering the Piety of the Soul

[282] Stillingfleet, *An Answer to Some Papers Lately Printed concerning the Authority of the Catholick Church in Matters of Faith* (1686).

from which it flow'd' (p. 85). Dryden continues, 'Truth has a Language to it self, which 'tis impossible for Hypocrisie to imitate: Dissimulation could never write so warmly, nor with so much life' (pp. 85-6). In contrast, Dryden represented Stillingfleet's attack - 'God forbid that I should think the whole Episcopal Clergy of this Nation to be of his Latitudinarian Stamp' (p. 87) - as the work of a man whose 'peculiar Talent is that of subtle Calumny and sly Aspersion, by which he insinuates into his Readers an ill Opinion of his Adversaries, before he comes to Argument' (p. 88). Stillingfleet's wish, Dryden condemns, was 'to make that difficult, which she found easie: for every thing becomes hard by chopping Logic upon it' (p. 124). Yet 'she had a sufficient reason for her change (though he says she had none) which was her Conscience' (p. 116). If Stillingfleet cast doubt upon the reasonableness of the Duchess's conversion, Dryden's *Defence* aims to counteract the charge, suggesting her critics demonstrate 'Learned Obscurity' (p. 125) rather than Christian reason. Examining ideas of rational theology in the Restoration, John Spurr has pointed out an 'unacknowledged incongruity' between two concepts of 'reason': 'logical coherence' on one hand, and 'moral rectitude' ('right reason') on the other. Dryden defends the Duchess as 'reasonable' in the latter sense and aims to reduce the criticisms of Stillingfleet to those of the former.[283]

Tender's song, therefore, seems to grow in significance when one becomes aware of the readily recognisable allusions to Rochester and Dryden's works, and the connotations behind such references. Not only does the song vindicate the arguments put forward by non-conformists against Latitudinarian rationalism, it bolsters and subtly sharpens such claims through plagiarised sections of two of Stillingfleet's most inveterate enemies. These near-citations corroborate the dissenters' emphasis upon the inadequacy of the law of reason to determine faith, and smear Latitudianarian aims as irreligious.

[283] Spurr, '"Rational Religion" in Restoration England', *Journal of the History of Ideas*, (1988), 563-85 (580-81).

The only significant treatment of the *Third Part* of the *Pilgrim's Progress* by a Bunyan scholar is offered by Michael Davies in his monograph *Graceful Reading: Theology and Narrative in the Works of John Bunyan*. Here Davies claims that the author attempts 'to re-inscribe *The Pilgrim's Progress* as a universally religious and moralistic as opposed to a strictly Reformed (if not Calvinist) theological work', 'effectively rewrit[ing] Bunyan's text' to erase his 'doctrines of salvation by grace and justification by faith' and instead conforming to 'the kind of rational moralism that Bunyan himself fought so bitterly against'.[284] Indeed, 'with the theological differences so evident', Davies claims, 'it is hardly surprising that Nathaniel Ponder (Bunyan's principal publisher) disclaimed this *Third Part* as an outright 'impostor''. It is certainly true that Ponder's 1693 edition of the *Second Part* of the *Pilgrims Progress* contained a denunciation of the *Third Part*; the publisher declares it

> ... an Imposter, thrust into the World by a Nameless Author, and would insinuate to the *Buyers*, that 'tis *John Bunyan's*, by adding a false Account of his Life and Death, not compleating the Work, as is said, &c. The Skeleton of *his* Design, and the Main of the Book, Done by him, As a Third Part, remain with *Nath. Ponder*; which, when convenient time serves, shall be Published.[285]

However, there is no mention of any doctrinal inconsistencies, only matters of the text's production, and it might be suggested that Ponder's criticism is more economically than theologically motivated. Moreover, Davies' observations are hard to reconcile with the connotations of *Tender's* encounter with *Human-reason*, which intimate a forcefully Reformed and voluntaristic reading of human reason as 'an *ignis fatuus* to the mind' (p. 137) that would sit comfortably alongside Bunyan's theological and ecclesiastical commitments and imply wider associations with concerns of Restoration nonconformity.

To conclude, the separation between natural and supernatural law, reason and revelation, which was inaugurated by Hooker's adaptation of Thomist doctrine, played a small but significant

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[284] Michael Davies, *Graceful Reading* (Oxford: Oxford University Press, 2002), pp. 348-49.
[285] Bunyan, *The Pilgrim's Progress, from this World to That Which Is To Come. The Second Part* (1693), A1v.

role within the theory of religious liberty as it was developed during the Restoration. It came to condition both the vindication of national uniformity within the Church of England and the dissenting case for freedom of conscience and tolerance of peaceful differences when it came to worship. Moreover, while the debate moved forwards into new territory and new political circumstances, the claims previously made by adherents of both sides of the split still informed the way in which their arguments evolved, and retained a lasting cultural influence, finding recognition in the conclusion - albeit counterfeit - of one of the century's most celebrated works of nonconformist literature.

4

Swift, Deism and Natural Law

As the seventeenth century drew to a close, the religious emphasis placed by Anglican divines upon reason and natural law was adapted for purposes that were entirely contrary to those for which it had first been conceived. A radical offshoot of Latitudinarianism emerged, which transformed the movement's focus on natural reason *within* Christianity - intended as a defence against dissenters and their appeals to supernatural law and revelation - into a justification to resist the influence of the established Church.[286] This evolving faction, although more a cluster of individuals than a co-ordinated unit, were usually referred to as the deists or freethinkers.[287] Rising from relative obscurity in the 1670s, by the 1720s and 30s they posed a serious threat to the Anglican regime, espousing the law of reason and nature as an autonomous authority sufficient to establish a universal religion and a natural basis for ethics free from 'priestcraft' and supernatural religious sanctions.[288] Drawing

[286] On the identification of Latitudinarianism with Deism see: Leslie Stephen, *History of English Thought in the Eighteenth Century* (London: Smith, Elder, 1876); G. R. Cragg, *From Puritanism to the Age of Reason* (Cambridge: Cambridge University Press, 1950); Irène Simon, *Three Restoration divines* 3 vols (Paris: Belles Lettres, 1967-76); Griffin, *Latitudinarianism*; Ronald Paulson, *The Beautiful, Novel, and Strange* (Baltimore: Johns Hopkins University Press, 1996); Rivers, *Reason, Grace, and Sentiment*, II.

[287] Recent scholars have taken to referring to forms of deism or deisms.

[288] In recent years there has been a revival in scholarly interest in English deism - a movement initiated primarily by Lucci Deigo, *Scripture and Deism* (Oxford: Peter Lang, 2008) and Jeffrey R. Wigelsworth, *Deism in Enlightment England* (Manchester: Manchester University Press, 2009), and continued by Wayne Hudson, *The English Deists* (London: Pickering & Chatto, 2009), *Enlightenment and Modernity* (London: Pickering & Chatto, 2009), and *Atheism and Deism Revalued* (Burlington: Ashgate, 2014). My arguments within this chapter make an implicit stand against a certain strand of this revival, which, in an attempt to refute the deists' historiographical label as straightforward paragons of unbelief and secularisation and resituate them within a Protestant framework, has (in my own view) downplayed the vitally radical aspects of their ideas.

on growing interest in the comparative study of different religions, both historically and geographically, the deists proclaimed this utopia of reason as possible by drawing on contemporary perceptions of the political and religious constitution of China, and especially the moral teachings of 'the Chinese Socrates', Confucius. Whether this was inherently anti-Christian or simply a call for a more liberal Protestantism is debatable.[289] However, for the deists' orthodox peers, the threat they posed to Christianity was obvious. John Leland, who provided the most comprehensive commentary on the 'principal deistical writers', was adamant that, although the deists often 'carried on sometimes under various disguises' of belief, never 'in any country where Christianity is proffered, were there such repeated attempts to subvert its divine authority' and 'set aside revealed religion' as unnecessary on account of the 'absolute universal clearness of the law of nature to all mankind' - a supposition that Leland decreed 'contrary to plain undeniable fact and experience'.[290]

While the first part of this chapter will explore the deists' arguments in more detail, in particular their dependence on the writings of Cicero, the second part of this chapter will explore the conflicting attitudes towards natural law expressed within the religious, political and literary writings of Jonathan Swift. As a cleric, of course, Swift formally rebuffed the deists' attacks upon the Church, condemning those who 'proposed [it to be] as a great Advantage to the Publick' to 'discard the System of the Gospel, [and have] all Religion … eradicated by Right Reason or Free

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For the argument to the contrary, see Wigelsworth (esp. pp. 2-14), whose principal target is Israel's *Radical Enlightenment* (Oxford: Oxford University Press, 2001). On this notion of 'priestcraft' and its place in early enlightenment England, see Justin Champion, *The Pillars of Priestcraft Shaken* (Cambridge: Cambridge University Press, 1992), pp. 1–24 and 173–79, and *Republican Learning* (Manchester: Manchester University Press, 2003), p. 97; Blair Worden, 'English Republicanism' in *The Cambridge History of Political Thought, 1450-1700*, ed. James H. Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991), pp. 443-76 (p. 473); Mark Goldie, 'Priestcraft and the Birth of Whiggism' in *Political Discourse in Early Modern Britain*, ed. Nicholas Phillipson and Quentin Skinner (Cambridge: Cambridge University Press, 1993), pp. 209-31 (pp. 209-11) and Scott, *Commonwealth Principles*, pp. 41-44.

[289] For Rivers, whatever their 'aura of respectibility', the deists 'were skillful and self-conscious manipulators of their roles and their audiences' and 'their opponents regarded them as disingenuous, lacking in candour, and stooping to insinuate what they did not dare to publish openly' (p. 32). Yet Hudson stresses that almost all the deists viewed themselves as both Protestants and Whigs, and sought to improve rather than undermine the nation's religious and political institutions.

[290] John Leland, *A View of the Principal Deistical Writers* (1754), Preface.

Thinking'.[291] Yet, Swift could also count among his intimates two activists for freethinking. Sir William Temple, Swift's mentor and employer, and his close friend, Lord Bolingbroke, were two of the figures who wrote most enthusiastically about China as rational paradise. Moreover, Swift's criticism of the deists' deployment of the law of nature is contrasted with his own utilisation of natural law within his writings on the predicament of Ireland within the 1720s. Here, as we shall see, Swift draws upon writers of the seventeenth century Whig or republican strain of natural law thinking - often those with religious leanings violently contrary to Swift's own - to champion Ireland's national rights and economic interests in the face of English governing authority. Within these tracts, Swift voices the argument for the 'oracle of reason, the great law of nature' as the safeguard of liberty, the regulator of common law, and the foundation of government on a national and international scale. Consequently, the conclusion of this chapter will examine the possible interpretations of Swift's ambiguous vision of natural law in Part IV of *Gulliver's Travels* (1726) - a world where the supremacy of 'right reason' is realised in a fictional society that can appear both alarming and alluring in equal measure.

The Deists: Toland, Collins And Tindal

Deism has long been a subject of confusion amongst scholars, and there has been little agreement about either its meaning or its importance. Were the freethinkers proto-atheists, bent upon the secularisation of society? Or, as Justin Champion first argued, was their quarrel with the Church rather than God, their attacks an attempt to purify rather than destroy religion?[292] During the seventeenth century, the term was used to describe a variety of positions, ranging from scepticism about the reliability of the Bible, through disbelief in miracles, prophecy, providence, and

[291] Swift, *An Argument Against Abolishing Christianity* in *The Prose Works of Jonathan Swift*, ed. Herbert Davis et al., 14 vols (Oxford: Blackwell, 1939-1968), II, p. 33.
[292] Champion, *The Pillars of Priestcraft Shaken*.

revelation, to denials of the afterlife, the divinity of Jesus, and even God's creation of the world – a capaciousness it retained even when refuting deism became a major objective for Anglican apologists. The Boyle Lecturers, for instance, distinguished various species of deism, which they sought to disprove.[293] But although 'deism' was a flexible label, it was most often used to refer to a disbelief in revelation and an accompanying anticlericalism.[294] Likewise, although many of the works which were written to denounce deism failed to identify any deists, and although many people were accused of deism, for the period with which this study is concerned, a small number of names occurred repeatedly: John Toland, Anthony Collins, and Matthew Tindal. While these figures never subscribed to any organised set of beliefs, they were all intimate acquaintances whom it might be suggested *were* united by a belief in the law of nature's primacy above all other forms of religious knowledge, and all of whom drew on the authority of Cicero to support that belief.

John Toland, born in Ireland, adopted a critical attitude to his religious upbringing from an early age. At sixteen he rejected Catholicism, declaring it: 'the insupportable Yoke of the most Pompous and Tyrannical Policy that ever enslav'd Mankind under the name or shew of Religion'.[295] Presbyterian leanings followed, as Toland visited the universities of Leiden and Utrecht to study the exegetical techniques of biblical criticism developed by Baruch Spinoza, Pierre Bayle, and Richard Simon. He was then introduced to Locke and has been suggested as an influence upon Locke's treatise, *The Reasonableness of Christianity* (1695). Certainly, Toland's most famous work, *Christianity Not Mysterious* (1696), was written as a response to Locke's contention within the *Essay Concerning Human Understanding* (1690) that revealed truths may be above but are not contrary to reason. To this, 'Toland countered that once a truth is divinely revealed, it is no longer beyond

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[293] See Richard Bentley, *The Folly of Atheism and (what is now Called) Deism* (1692), Wing B1932, pp. 4-10 and Samuel Clarke, *A Discourse Concerning the Unchangeable Obligations of Natural Religion* (1706), pp. 19-45.
[294] See: William Stephens, *An Account of the Growth of Deism in England* (1696), p. 4; Charles Leslie, *A Short and Easie Method with the Deists* (1698), pp. 5-7; John Edwards, *A Free Discourse Concerning Truth and Error, Especially in Matters of Religion* (1701), p. 87; Francis Gastrell, *The Principles of Deism* (1708), pp. 9-10; Joseph Smith, *The Unreasonableness of Deism* (1720), p. xii; and John Reynolds, *Three Letters to the Deist* (1725), pp. 2-3.
[295] John Toland, *An Apology for Mr. Toland* (1697), p. 16.

human comprehension', and an 'unintelligible belief could not be an object of faith because no believer can assent to a doctrine without understanding what it would mean to hold that belief'. As such, 'he concluded that the so-called mysteries of Christianity are not essential to the faith at all but are either puzzles that can be solved or ploys by which priests exercise control over others'.[296]

In seeking to make this challenge to the clergy's authority over both man's reason and his liberty, Cicero - an important figure for later heterodox thinkers, such as David Hume - was a significant source of both guidance and inspiration, symbolising the strength of scepticism against superstition.[297] In *Cicero Illustratus* (1712), where Toland proposed the publication of a new edition of Cicero's complete works, he said of Cicero 'profectò prae cunctis mortalibus Superstitionis malleus dici poterat' ('truly [he] can be called the hammer of Superstition before all mortals') - a trope which reoccurred throughout Toland's works. Frequently cited was a passage from the second book of *De Divinatione* in which Cicero speaks forcefully of his own opposition to superstition:

> Speaking frankly, superstition, which is widespread among the nations, has taken advantage of human weakness to cast its spell over the mind of almost every man … I want it distinctly understood that the destruction of superstition does not mean the destruction of religion. For I consider it the part of wisdom to preserve the institutions of our forefathers by retaining their sacred rites and ceremonies. Furthermore, the celestial order and the beauty of the universe compel me to confess that there is some excellent and eternal Being, who deserves the respect and homage of men. Wherefore, just as it is a duty to extend the influence of

[296] Stephen H. Daniel, "Toland, John (1670–1722), freethinker and philosopher", Oxford Dictionary of National Biography (Oxford University Press, date of access 12 September 2020), <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-27497>. The principal critical works on Toland are: Robert E. Sullivan, *John Toland and the Deist controversy* (Cambridge, MA: Harvard University Press, 1982); Stephen H. Daniel, *John Toland* (Kingston, Ont.: McGill-Queen's University Press, 1984); Robert Rees Evans, *Pantheisticon* (New York: Peter Lang, 1991); Philip McGuinness, Alan Harrison, and Richard Kearney, eds, *John Toland's Christianity Not Mysterious* (Dublin: Lilliput Press, 1997); and Champion, *Republican Learning*.

[297] On the influence of Cicero on Toland, see Daniel, *John Toland* (pp. 226-9); Evans, *Pantheisticon* (pp. 133-5); Champion, *The Pillars of Priestcraft Shaken* (pp. 183 ff.); and Katherine A. West, *The Radicalization of Cicero* (Cham, Switzerland: Palgrave Macmillan, 2017).

> true religion, which is closely associated with the knowledge of nature, so it is a duty to weed out every root of superstition.[298]

For Toland, such sentiments permitted a characterisation of Cicero which might be cited in condemnation of the aspects of Christianity that had no grounds in the true test of all religious and ethical action: natural reason. As early as *Christianity Not Mysterious*, Toland had made the claim, 'that the true Religion must necessarily be reasonable and intelligible' (p. xxv).[299] '*Reason* is the only Foundation of all Certitude', and '*there is nothing in the Gospel contrary to Reason, nor above it; and that no Christian Doctrine can be properly call'd a Mystery*' (p. 6). Therefore, 'all the Doctrines and Precepts of the New Testament (if it be indeed Divine) must consequently agree with Natural Reason' (p. 46). The failure to recognise this and the origins of superstition stemmed from the external corruption of man's natural reason. For although 'the Perfection or Soundness of our Reason is so evident to our selves, and so plainly contain'd in *Scripture*' (p. 62), yet (citing a passage from Cicero's *De Legibus*), 'neither Parents or Nurse or Schoolmaster, or Poet, or Playhouse depraves our Senses, nor can the Consent of the Multitude mislead them: but all sorts of Traps are laid to seduce our Understandings'.[300] Upon Cicero's authority, Toland insists that differences of opinion regarding moral justice stemmed not from any 'natural Impotency' in reason or flaw in natural law, but from men's failure to use their reason appropriately and avoid the fallacious teachings of others (p. 59). For this, Toland held the Church establishment responsible:

> the strange things and amazing storys we have read or heard … are daily confirm'd to us by the Preacher from the Pulpit, where all he says is taken for Truth by the greatest part of the Auditory, no body having the liberty to contradict him, and he giving out his own Conceits for the very Oracles of God.[301]

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[298] Cicero, *De senectute, De amicitia, De divinatione*, trans. W. A. Falconer (Cambridge, MA: Harvard University Press, 1923), II, p. 14. The passage is quoted in Toland's *Adeisidaemon* (1709), on the frontispiece of which appeared an excerpt. It was also cited in *Origines judiciae* (1709), pp. 101–03, and in *Pantheisticon* (1720), pp. 69–70.
[299] Toland, *Christianity Not Mysterious* (1697).
[300] Toland, *Letters to Serena* (1704), b4-b5, quoting Cicero, in Zetzel, p. 122.
[301] Toland, *Letters to Serena*, p. 8.

It is the clergy, Toland imputes, who set the most traps to undermine man's reason, for their power was built upon doing so. By contrast, Toland wished to expose the authority of these churchmen as itself a superstition, and like

> Cicero, I say, telling those Priests to their faces, that, if they wou'd go about to defend those things by Divine Religion, which were condemn'd by Human Equity, what wou'd be the consequence, thus accosts them; i*f you shou'd do this we must look out for other Ceremonies, for other Priests of the immortal Gods, for other Expounders of Religions*. This is in our stile, *we must look out for another Liturgy, for other Bishops, and for other Preachers.*[302]

It is in Toland's later work, *Pantheisticon* (1720) that he presents what he envisaged to be the alternative to present-day priestcraft: a return to

> the Law of Nature, that true and never deceiving Reason … by the Brightness of whose Rays they dispel all Darkness, exempt themselves from trifling Cares, reject all pretended Revelations, (for what Man of Sense doubts of true ones) explode forged Miracles, unreasonable Mysteries, ambiguous Oracles, and lay open all Deceits, Tricks, Fallacies, Frauds, old Wives Tales, whereby a thick Cloud envelops Religion, and a pitch Night overspreads Truth.[303]

Cicero returns to assume an almost prophet-like guise, as his words become the reformed liturgy of Toland's new theology:

> PRES.
> Here, therefore, (Noble Equals) consider with yourselves, and always shew in your Actions, the unerring Rule for living well, dying happily, and doing all Things properly. A Rule, I say, not to be deceived, and a Law never deceiving, to be delivered to you

[302] Toland, *The State-Anatomy of Great Britain* (1717), pp. 80–81, quoting Cicero, *De domo sua*, p. 2.
[303] Toland, *Pantheisticon*, pp. 45-6, (1751, translation), p. 62.

> now, in the very Words, in which formerly Marcus Tullius inimitably express it.
>
> RESP.
> With open Ears, And Hearts erect, we shall listen.
>
> PRES.
> Right Reason is the only true Law, a Law befitting Nature, extended to all, consistent with itself, and everlasting. A Law that invites Men to their Duty by commanding, and deters from Fraud by forbidding. A Law that commands or forbids not in vain the Honest, and, on the contrary, by commanding or forbidding moves not the Dishonest. 'Tis not lawful to abrogate this Law, not derogate any thing from it, nor wholly abrogate it. Neither can we, by the Senate or People, be exempted from this Law. We are not to seek for any other Explainer, or Interpreter of this Law, but itself; it is not a different Law at Rome, from what it is at Athens, nor different now, from what it shall be hereafter: But one and the same Law eternal and immortal, has and shall contain all Times and Nations. There shall be one, as it were, common Master and Ruler of All, that GOD, the Inventor, Umpire, and Giver of this Law: He who obeys not this Law is his own Enemy, he scorns the Nature of Man, and therefore shall undergo the greatest Punishments, though he escapes all other supposed ones.[304]

The observation of natural law as a universal religion free from the tyranny of the ecclesiastical establishment would, Toland believed, invite a different form of piety: one which does not consist of 'stately Edifices, sumptuous Altars, numerous Attendants, gorgeous Habits, exquisite Musick, or a curiously contriv'd, expensive, and ceremonious service', and where only 'a man's behaviour, and not the cant of a party, not the particular garbs or customs of any place, but the goodness and sincerity of his actions, wou'd be the real test of his Religion'.[305] It was a conviction which, as we have seen, set Cicero's popular philosophy of natural law within a newly radical setting, licensing a rebellion not against the divine right of kings, but against the divine right of priests - concepts which, of course, had enjoyed an important interdependence. Toland's book caused an immediate furore (particularly amongst the clergy), and, in 1697, it was presented amongst two other

[304] Toland, *Pantheisticon*, pp. 67-8, (1751, translation), pp. 84-6.
[305] John Toland, 'Primitive Constitution' in *A Collection of Several Pieces of Mr. John Toland*, 2 vols (1726), II, pp. 145–46.

'scandalous' books at the Grand Jury of Middlesex. However, Toland did make some influential friends, including the prominent German polymath Gottfried Wilhelm Leibniz, who even wrote a brief reply to *Christianity not Mysterious*, which it is alleged that Toland received with great pleasure.

Toland was not the only exponent of Cicero amongst the deists. Anthony Collins, whose library included over seventy titles relating to 'that consummate philosopher and noble patriot' (p. 306), rendered a similar interpretation of the Roman statesman.[306] Collins was a friend of Toland's, offering him financial assistance and receiving in return the dedication of two books: *The Fables of Aesop* (1704) and *Adeisidaemon* (1708). Collins' upbringing had been somewhat different from that of his future associate. Educated at Eton and Cambridge, it was (as Thomas Woolston wryly observed) from his tutor at King's College, Francis Hare, that Collins 'imbibed his Notable notions about Religion and Liberty'. The pair did, however, share one contemporary intellectual connection and influence - Locke - and Collins' intense friendship with that philosopher, whom he came to know in 1703, was seminal for his intellectual and personal development.[307]

Yet if Collins and Toland came to view Locke as 'the first philosopher in the world', this compliment was accompanied by the caveat 'after Cicero', whom Collins (like Toland) proclaimed as a proto deist. Furious at the attempts by members of the Anglican clergy to integrate Cicero within an orthodox Christian framework, Collins insisted that 'Nothing can more tend to promote good sense in the world than some of his [Cicero's] Philosophical Works; which are applicable to all sorts of folly and superstition by those who have Eyes to see and Ears to hear', and declared Cicero to be 'as great a Free Thinker as he was a Philosopher, an Orator, a Man of Virtue, and a Patriot' (p. 111). For, Collins maintained, no correct reader of Cicero will ever encounter 'any passages which in the least favour superstition'. In fact, like Toland, Collins claims that Cicero supported quite the reverse, asserting

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[306] Anthony Collins, *A Discourse of Free-thinking* (1713). On the presence of Cicero in Collins' library, see James O'Higgins, *Anthony Collins* (The Hague: Martinus Nijhoff, 1970), p. 35.
[307] See O'Higgins, esp. pp. 2-8.

> That certain Speculations (tho false) are necessary to be impos'd on Men, in order to assist the Magistrate in preserving the Peace of Society ... is an irreligious Opinion, and is so treated by CICERO in the Person of COTTA. Says he, *What do you think of those Men, who have said that the Opinion of the Existence of the immortal Gods was invented by wise Men for the publick Good; that they who would not be govern'd by Reason, might be influenc'd by Religion to do their Duty? Have they not destroy'd all Religion?* (p. 111)

Collins continues to deplore the present state of the Church, naming the clergy as culpable for the spread of religious practices 'contrary to the most obvious Notions of Sense and Reason' (p. 13):

> since the Priests, not only of different Religions and Sects, but of the same Sect, are infinitely divided in Opinion about the Nature and Attributes of God, and the Authority and Meaning of Scriptures; since we have Priests who acknowledge the Doctrines of our Church, which they have solemnly sworn to preach up, to be contradictory to one another and to Reason ... we have no way of setting our selves in a right Notion of God ... but by ceasing to rely on them, and thinking freely for our selves. (pp. 98-9)

The very 'design of the Gospel was, by preaching, to set all Men upon Free-Thinking', with recourse to the one universally available resource given to humankind: the law of nature (p. 44). For

> the Morality of the Holy Scripture is not to be precisely and distinctly understood, without an antecedent Knowledge in Ethicks, or the Law of Nature. Who can without a knowledg in that law understand wherein consist the Duties of loving our Enemies, of not caring for the morrow, of not having two Coats, and all other Dutys express'd in so universal a manner? The Passages themselves not exhibiting the necessary Limitations and Restrictions which are imply'd, those Restrictions and Limitations are only to be deduc'd from the Law of Nature. Nay, when the Dutys enjoin'd are as universal as the Expressions, that Universality is only to be known by considering whether the Law of Nature in those cases admits of any Limitations or no. So that no moral Duty whatsoever contain'd in Scripture can be precisely and with certainty understood, without a Knowledg of the Law of Nature. (p. 12)

'Christian morality' altogether, Collins attests, 'is so far from wanting to be fixed by Revelation, that the Law of Nature is necessary to fix the Christian Morality', it being 'our original and best Rule, to direct us in our Assent and Dissent in all things propos'd to us as Matters of Religion'.[308] In concurrence with Toland, here the law of nature is championed as the arbiter of ethical truths, liberating mankind from the sophistry of the clergy. Only by consulting natural law through the faculty of their own reason are men 'capable of knowing, that a perfectly Good, Just, Wise and Powerful Being made and governs the World' (p. 37). From this principle they realise 'that he can require nothing of Men in any Country or Condition of Life, but that whereof he has given them an opportunity of being convinc'd by Evidence and Reason' and 'that an honest and rational Man can have no just reason to fear anything from him' (p. 37). Again, Cicero is brought in to confirm Collins' claims: '*For who,* Says Cicero, *lives pleasantly, except he who delights in his duty, ... and who obeys the laws not out of Fear, but observes and regards them because he judges it the best thing he can do?* (p. 121)'. Moreover, 'the Peace and Order of human Society depending upon, or rather consisting in the Practice of moral Duties', should one 'impose any thing on mankind but what is moral, the Zeal to perform that must of course abate Mens Zeal in the Practice of moral Duties, and consequently prejudice the Peace of Society' (pp. 114-5). As for Toland, promoting obedience to the law of nature, rather than the arbitrary dictates of the Anglican Church, was seen by Collins as the only legitimate method to institute both the contentedness of individuals and true peace within society. Much like the response to *Christianity Not Mysterious*, *A Discourse of Free-thinking* enjoyed a barrage of hostile criticism and was publicly burnt by the common hangman, occasioning Collins to retreat temporarily to the Netherlands.

The fullest and most systematic account of the principles of freethinking, however - what is often known as 'the Bible of Deism' - was written by Matthew Tindal, whose use of natural law

[308] Collins, *A Letter to the Reverend Dr. Rogers* (1727), p. 58.

in defence of the 1688 Revolution was examined in the second chapter of this thesis. Tindal's own religious background was as controversial as that of his two associates. Many contemporaries saw him as merely an opportunist in religion, having converted to Catholicism, allegedly with a view to persuading James II to grant him the wardenship of All Souls, and returning to the Church of England just before the king's defeat by William of Orange, under whose patronage he subsequently enjoyed a reputable and reportedly lucrative legal career.[309] In the eyes of his opponents, his character was irredeemably corrupted - as the poet Abel Evans put it in his poem *The Apparition*:

> In Vice and Error from his *Cradle* Nurs'd:
> He studies hard, and takes extreme Delight,
> In Whores, or Heresies to spend the Night.[310]

Certainly, the increasingly heterodox direction that Tindal's religious beliefs were taking was obvious by the publication of *The Rights of the Christian Church Asserted* in 1706, which it was claimed Collins helped Tindal to write.[311] Within this tract, 'the enemy Tindal identified was at least as much high-churchmanship as it was Roman Catholicism' and whilst 'he adopted the apparently moderate tones of a supporter of an Anglican *via media* in a defence of the Reformation', in reality his arguments had 'profound implications for all styles of priesthood'.[312]

However, the final and most lucid distillation of Tindal's mature religious views came with *Christianity as Old as the Creation* (1730). Here, from the very title page, which cites Grotius - 'Est autem Jus natural adeo immutabile, ut ne quidem a Deo mutari potest' ('natural law is so

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[309] In a prominent case of 1693, Tindal made a name for himself arguing that followers of James II who had taken to the seas ought to be prosecuted as pirates. He further developed his case, citing Cicero and Grotius and other legal precedents, in a blatantly anti-Jacobite tract, *An Essay Concerning the Laws of Nations* (1694).

[310] Abel Evans, *The Apparition* (1710), p. 3.

[311] See Stephen Lalor, *Matthew Tindal, Freethinker* (London: Continuum, 2006), pp. 15-16.

[312] B. W. Young, 'Tindal, Matthew (bap. 1657, d. 1733), freethinker and religious controversialist', Oxford Dictionary of National Biography (Oxford University Press, date of access 19 Sep. 2020), <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-27462>.

immutable that it cannot be changed even by God himself') - it is evident that Tindal, like Toland and Collins, wished to make the natural law the foundation of his arguments against revelation and the powers of the clergy. It is Tindal's explicit aim:

> to show you that men, if they sincerely endeavor to discover the will of God, will perceive that there is a "law of nature," or "reason"; which is so called, as being a law, which is common or natural to all rational creatures; and that this law, like it's author, is absolutely perfect, eternal and unchangeable; and that the design of the gospel was not to add to, or take away from this law, but to free men from that load of superstition which had been mixed with it. (p. 8)

In Tindal's view, the moral law of nature *is* religion. It is present and accessible to all mankind, and, unlike 'Tradition, which differs in most countries; and of which, in all countries, the bulk of mankind are incapable of judging', sets down 'such plain and evident rules, as may enable men of the meanest capacity to distinguish between Religion and Superstition' (*Preface*). Tindal does concede, quoting Cicero's *De Divinatione*, that the potential sway of superstition was an endemic threat to the pre-eminence of natural law: 'superstitio, fusa per gentis, oppressit omnium fere animos, atque hominum occupavit imbecillitatem' ('superstition, which is widespread among the nations, has taken advantage of human weakness to cast its spell over the mind of almost every man') (p. 168).[313] However, we see Tindal follow Toland and Collins in identifying Cicero as a great advocate against the superstitious practices of priests - a man who 'exposes the superstition of his own Countrymen, & ridicules those miracles, with which the Annals of the Church-Priests were fill'd', who

[313] Cicero, *De Divinatione*, II, p. 537. Grotius is also cited to a similar effect: '*Grotius* says, "That as *Curtius* observ'd of old, the Multitude, ensnar'd by Superstition, are more apt to be govern'd by their Priests than Princes; and that the Kings and Emperors have learnt this at their cost' (p. 256).

> every where treats his Brethren with great freedom; and in his address to them, speaking of an ambitious, intreaguing Priest, who wou'd hide his malice under the cover of Religion, (for some such there have been in all Religions,) says, If *Publius Claudius* is to defend his petulant, & deadly Ministry by the sacred name of divine Religion, when 'tis impossible for him to do by human equity, 'tis high time to look for other ceremonies, other Ministers of the immortal Gods, & other Interpreters of Religion. (p. 398)

Quoting the very same passage from Cicero's *De Domo Sua* as Toland, Tindal employs Cicero's voice to launch the call for a rebellion against the Anglican Church, whose practices and teachings no longer uphold the moral standards to which all truly revealed religions must conform. Only through the law of nature was it possible to unite all revealed religions. For, regardless of the divisions both between and within religions:

> yet all these agree in acknowledging a "law of nature," and that they are indispensably obliged to obey its dictates; so that this "Light of Nature," like that of the sun, is universal; and would, did not men shut the eyes of their understanding, or suffer others to blind them, soon disperse all these mists and fogs which arise from false traditions or false interpretations of the true tradition. (pp. 11-12)

Thus Tindal vows to 'republish' and 'expose the Light and Law of Nature, as well as those Great Men ... especially Cicero', 'who describes our moral obligations after so beautiful a manner, and by such plain and irrefutable arguments' - once again, Cicero's famous definition from *De Republica* is quoted in full (p. 428). Moreover, criticising the use of Cicero by Anglican divines, particularly Dr Samuel Clarke, who 'quotes Cicero for the support of his opinion' of '*the present corrupt state of human nature*' (p. 402) and 'attempts to destroy the All sufficiency, absolute Perfection, Plainness, and Perspicuity of the Law of Nature' (p. 419), Tindal insists, citing *De Legibus*, that 'Cicero is so far from supposing any such defect in nature: For a proof of which, I need only mention these two short passages; 'This impossible to err, as long as we follow the guidance of Nature - There's no man, who following the conduct of Nature, but may arrive at Perfection' (p. 402).

Like his deistical contemporaries, Tindal insists that there is no inherent flaw in human reason or natural law, and that any debasement of mankind was attributable to the corruptions of custom. Whereas the 'happiness of all beings whatever', Tindal writes, 'consists in the perfection of their nature', and

> the nature of a rational being is most perfect when it is perfectly rational; that is, when it governs all it's actions by the rules of right Reason; for then it arrives to the most perfect, and consequently the happiest state a rational nature can aspire to; and every deviation from the rules of right reason being an imperfection, must carry with it a proportionable unhappiness; and a man's happiness and duty must consist in the same things, since no one can be obliged to do any thing that does not some way or other contribute to his happiness; and consequently according to the sense men have of their own happiness, and of the means which will naturally procure it, they will assuredly attain the knowledge of their respective duties. (pp. 22-3)

Meanwhile, 'the man who abandons his Reason' - 'besides the misery of all sorts an irrational conduct will bring on him' - 'must feel in his mind, pain and anguish ... insupportable grief and misery' (p. 26). For the deists, virtue was not only desirable in and of itself, but instrumental to human happiness, in this life and the next - as 'by living according to the rules of right Reason, we more and more implant in us the moral perfections of God, from which his happiness is inseparable' (pp. 23-4).

Following this statement, Tindal makes his attack on the authority of revelation, proclaiming that '*the Religion of Nature is an absolutely perfect* religion', and '*external revelation can neither add to, nor take away from its perfection*' (p. 58). The 'Law of Nature ... [is] the standard of perfection', and 'by it we must judge antecedently to any traditional religion what is, or is not a law absolutely perfect and worthy of such a Being for its legislator' (p. 59). The radical shift that Tindal is making here is to place the existence of natural law and its authority over our actions as an

obligation that is 'antecedent' to any revealed religious doctrine. Moreover, the ability to make this act of judgment regarding the law of nature, Tindal continues, is within the capacity of every man:

> Did we not allow that men, by the Light of Nature, are capable of forming a sound judgment in matter of religion, they may be so imposed on by controverted, or misinterpreted, not to say forged, texts, as to admit several objects of divine worship in their practice … and introduce such abominable notions, as may make religion, instead of a benefit, become a mischief to mankind. Whereas, if we allow the Light of Nature sufficient to enable us to judge rightly in these matters, and consequently to distinguish Truth from Falsehood, we must own, since there can be no disagreement in Truth, that there's an exact conformity between internal and external revelation, with no other difference but as to the manner of their being revealed. (pp. 66-7)

While '*they who magnify Revelation*' and '*weaken the force of the Religion of Reason and Nature, strike at all religion*' for '*there can't be two independent rules for the government of human actions*', and, in Tindal's view, the law of nature, as determined by the integral faculty of reason, must take precedence (p. 178). In the end, for Tindal, it is on the integrity and infallibility of one's own reason that humanity must rely, as

> if our reasoning faculties duly attended to can deceive us, we can't be sure of the truth of any one proposition; but everything would be alike uncertain, and we should forever fluctuate in a state of universal skepticism. Which shows how absurdly they act, who, on pretense of magnifying tradition, endeavor to weaken the force of Reason; (though to be sure they always except their own;) and thereby foolishly sap the foundation to support the superstructure; but as long as Reason is against men, they will be against Reason. We must not, therefore, be surprised to see some endeavor to reason men out of their Reason; though the very attempt to destroy Reason by Reason, is a demonstration men have nothing but Reason to trust to. (p. 179)

Ironically, although seeking to outwit his Anglican opponents by teasing out their criticisms to their logical ends, Tindal's repetitive play with the word 'Reason' was a stylistic feature which Swift would later parody as the signature of the futility and circularity of Tindal's thought.

For the deists then, while they follow their own individual emphases and idioms, there is between all three of the movements' key exponents a consistent utilisation of Cicero's philosophy of natural law to promote right reason as the comprehensive and collectively accessible source of true religion. In so doing, they threw down a challenge to any form of traditional or revealed religion, and the authority of the Church - seen within their scheme as unnecessary and historically detrimental influences, detracting from the goal of a perfectly rational and (consequently) a perfectly happy society.

It was a gauntlet that succeeded in provoking the Anglican establishment, who, as was noted earlier, opposed the deists' adoption of Cicero as their champion and sought to present an alternative portrait of the philosopher that was conducive to their own orthodox understanding of Christianity. The theologian and critic Richard Bentley, in a work which came to assume a foundational status for opponents of the deists, renounced Collins' 'specious show of *Freethinking*' as 'a *Set* and *System* of opinions ... the most abject and base, that Human Nature is capable of', and went to extended efforts to rebut Collins's conscription of Cicero into the regiments of deism.[314] For whenever Cicero wrote in *propria persona*, Bentley retorts, 'he declares for the Being and Providence of God, for the Immortality of the Soul, for every Point that approaches to Christianity',[315] Collins' own interpretation being 'Pure Nonsense' and 'point blank against *Cicero's* meaning'.[316] Likewise, Samuel Clarke praised Cicero for his recognition of the limitations of his spiritual and moral knowledge, counting him amongst the 'Wisest' of heathen philosophers, who

[314] Richard Bentley, *Remarks Upon a Late Discourse of Free-Thinking* (1713), p. 4.
[315] Bentley, *Remarks Upon a Late Discourse of Free-Thinking* ... Part the Second (1714), pp. 81-2.
[316] Bentley, *Remarks* (1713), p. 37. Cicero's primary works of theology being composed as dialogues engendered an ambiguity surrounding the personal views and voice of the philosopher which was readily exploited by both the deists and their Anglican critics.

'were never backward to confess their own Ignorance and great Blindness [towards] *That* Truth [which] was hid from them'.[317] Consequently, Clarke claims, Cicero 'advised [men] to conform themselves to the superstitious Religion of their Country ... as were by Law established'.[318] Meanwhile George Berkeley, Church of Ireland bishop of Cloyne, philosopher, and friend of Swift, was equally vocal concerning Cicero's allegiance in his own entry into the furore, *Alciphron: or, the minute philosopher* (1732). Lifting the subtitle to his philosophical dialogue directly from Cicero's *De Senectute*, Berkeley sought to identify the deists 'with those *Cicero* called Minute Philosophers'[319] - a name which, as the character Crito avers, 'admirably suits them', theirs being a 'Sect which diminish all the most valuable things, the thoughts, views, and hopes of Men'.[320] Whereas '*Tully* saith somewhere ... Either let us have no Religion at all or let it be respected'.[321]

Cicero was also recruited as a supporter of orthodoxy by Daniel Waterland in his disparaging reply to *Christianity as Old as the Creation*. In Waterland's view, Tindal's 'whole contrivance', 'namely to reject *Scripture* and to abide by *Reason* alone', was nothing more than 'the old Epicurean Game plaid over again with some refinements'.[322] For 'the *Epicureans* used to boast highly of their rescuing their Disciples from *Superstition*, by which they meant all *Religion*', as Cicero had exposed 'Nam superstitione, quod gloriari soletis, facile est liberari cum sustuleris omnem vim deorum' ('As for freedom from superstition, which is the favourite boast of your school, that is easy to attain when you have deprived the gods of all power').[323] '*Tully* was sensible' also of the result of this rejection of revelation, Waterland vouches: 'atque haud scio an pietate adversus deos sublata fides etiam et societas generis humani et una excellentissima virtus iustitia tollatur' ('And in all

[317] Clarke, *A Discourse*, p. 177-8.
[318] Clarke, *A Discourse*, p. 180.
[319] George Berkeley, *Alciphron* (1732), I, p. 20. *De Senectute*, p. 85.
[320] Berkeley, *Alciphron*, I, pp. 20-21.
[321] Berkeley, *Alciphron*, II, 133.
[322] Daniel Waterland, *Scripture Vindicated*, II (1731), p. 130.
[323] Waterland, *Scripture vindicated ... Part II*, p. 131, *De Natura Deorum*, I, p. 117.

probability the disappearance of piety towards the gods will entail the disappearance of loyalty and social union among men as well, and of justice itself, the queen of all the virtues').[324]

China, Confucius and the Utopia of Reason

Aside from Cicero, one other notable enthusiasm united the deists, this was their admiration for China. The history of how Enlightenment thinkers, including the deists, came to venerate Chinese society begins with the Jesuits, the priests charged with enforcing the Catholic counter-reformation. Paradoxical as this might appear in the present context, much work has gone into demonstrating 'the multiple sources for the shift towards heterodoxy and atheism' as scholars began to think of the developments during the eighteenth century as a more multifaceted series of enlightenments (however persistently 'radical') rather than a single, cohesive progression.[325] For the deists, the Jesuits came to be one of these diverse sources, owing to their laudatory writings on China's moral philosophy. The context of the Jesuits' visits to China, and the purpose of their observations, was, of course, missionary. As J. J. Clarke has observed, while the motivations which fuelled Europe's expansion eastward during the fifteenth and sixteenth centuries are complex - embracing 'factors which range from the new intellectual openness and curiosity engendered by the Renaissance to the need to extend markets and to outflank Islam in the search for trade routes to the East' - 'religious motivation was perhaps of equal importance to these', and 'remained an important factor in much of the work of studying, classifying, and interpreting Oriental ideas over the following

[324] Waterland, *Scripture vindicated ... Part II*, p. 132, *De Natura Deorum*, I, p. 4. Ironically, Cicero was also deployed by Conyers Middleton to bolster his own more nuanced critique of Waterland's methodological treatment of the Bible, which inaugurated a protracted controversy within the Anglican establishment. See Middleton, *A Defence of the Letter to Dr. Waterland* (1732), p. 13.
[325] Margaret C. Jacob, 'A heavenly city with many mansions' in *Reassessing the Radical Enlightenment*, ed. Steffen Ducheyne (London: Routledge, 2017), pp. 48-60 (p. 50). See also Annelien De Dijn, 'The Politics of Enlightenment: From Peter Gay To Jonathan Israel', *The Historical Journal*, 55:3 (2012), 785-805, and John Robertson, 'Europe's Enlightenment' in *The Oxford Handbook of Early Modern European History, 1350-1750: Volume II: Cultures and Power*, ed. Hamish Scott (Oxford: Oxford University Press, 2015), pp. 141-70.

centuries'.[326] Certainly, regardless of the underlying commercial or political forces at work, it was through the Jesuit's religious mission in Asia that the first detailed accounts of Chinese culture were transmitted back to Europe. In the words of David Mungello, the Jesuits made a 'realistic assessment that China was in many ways, apart from its lack of Christianity, the equal or superior of Europe', and the Chinese 'needed to be approached as intellectual equals and shown through sophisticated argument that Christianity was in harmony with some of their most fundamental beliefs'.[327] As such, they developed an especially high regard for Chinese civilization, sending back to Europe favourable descriptions of the beliefs and practices of the Chinese, which presented them as aligned with Christian thinking and inaugurated the idea that a form of natural religion already existed in China in the form of Confucianism.

In Alessandro Valigano and Duerto de Sande's *An Excellent treatise of the Kingdome of China* (available to Swift through his copy of Richard Hakluyt's *The Principal Navigations* (1589; 1598-1600)), for instance, we hear that although 'the kingdome of *China* hath hitherto bene destitute of true religion' (p. 96), the nation was 'otherwise a people most ingenious, and of an extraordinary and high capacity' (pp. 96-7).[328] In particular, 'touching morall philosophy, [in] all those books … such graue and pithy sentences are set downe, that, in men void of the light of the Gospell, more cannot be desired' (p. 93). This was to be accounted for by the doctrines of their most 'notable philosopher', Confucius, the sum of whose 'praise-woorthy' teachings was that 'men should follow the light of nature as their guide', that 'they should diligently endeuour to attaine vnto the vertues' which 'the *Chinians* principally regard' - 'courtesy', 'piety', 'a thankefull remembrance of benefites', 'true dealing in contracts or bargaines', and, 'wisedome in atchieuing of matters' - and 'lastly, that

[326] J. J. Clarke, 'China Cult: The Age of the Enlightenment' in *Oriental Enlightenment* (London: Routledge, 1997), pp. 37- 53 (pp. 39-40).
[327] D. E. Mungello, *The Great Encounter of China and the West, 1500-1800*, 4th ed. (Lanham, Md: Rowman & Littlefield Publishers, 2013), p. 95.
[328] Richard Hakluyt, *The Principal Navigations* (1598-1600).

they should employ their labour about the orderly gouernment of their families and of the Common-wealth' (p. 97).

A similar regard was displayed by Valigano's colleague and fellow countryman, Matteo Ricci - recounted by Nicholas Trigault and first published in English within Samuel Purchas' *Hakluytus Posthumus, or, Purchas his Pilgrimes* (1625), a compendium Swift also owned. For Ricci and Trigault, as for Valigano, the religious potential of the Chinese was exemplified by the '*Literate Sect*' - the 'most proper to *China* and most ancient' - whose sole goal 'is the peace and good of the Common-wealth, and of Families, and of each persons; their precepts agreeing with Nature and Christianitie' (p. 397).[329] In China, they observe, the Literate 'beare all the sway ... euen in Militarie matters, the King more vsing the aduise of Philosophers then Captaynes' (p. 390). The 'Prince' of this sect 'is called *Confutius*', a philosopher who lived 'by example as well as precept exciting to vertue, [and] accounted a very holy man' (p. 384). '[W]ith the *Chinois*, his word is authoritie, and no speech of his is called in question; the Learned, yea the Kings also, euer since worshipping him' (p. 384). Not 'as a God, but as a Man', because 'the *Chinois* from the beginning worshipped one God, which they call the *King of Heauen*', and 'they neuer had such monstrous conceits as the *Romans, Greekes, Aegyptians*, whence the *Iesuites* hope that many of them in the law of Nature were saued' (p. 396). For 'in all actions they held Reason to bee obeyed, which light of Reason they confessed they had from Heauen'. (p. 396).

The Jesuits also translated some of the key writings of Confucianism into Latin, first published in 1687 in Paris under the title, *Confucius Sinarum Philosophus*. Here, too, the Chinese were portrayed as a morally sophisticated people, who under the guidance of Confucius - 'held, by common acclaim of all the Chinese, to be the Wisest Teacher and Oracle of both Moral and Political Philosophy' - learned to 'to adore and fear 'the Highest in Heaven', as he himself called it,

[329] 'A Discourse of the Kingdome of *China,* taken out of *RICIVS* and *TRIGAVTIVS*' in Samuel Purchas, *Hakluytus Posthumus,* 4 vols (1625), III.

the commander of every kingdom and the governor and judge of every empire', and to 'rule their subject peoples justly and charitably'. This 'very wise Philosopher recognised, by the light of nature and reason alone, that men should revere religion above all things, [and] he conducted his teaching and training towards the single goal that mortals should arrange all their lives according to the laws and precepts of the divine will'.[330]

Similarly, Louis Cousins in *Le Morale de Confucius, philosophe de la Chine* (1688) - translated into English without preface in 1691 - declared, 'the Morals of this Philosopher are infinitely Sublime, but at the same time, pure, sensible, and drawn from the purest Fountains of Natural Reason' (*Advertisement*).[331] Certainly, 'a Reason destitute of the Lights of Divine Revelation, has never appear'd with so much illumination and Power', for 'there is not any Duty omitted by *Confucius*', 'because that right Reason, that inward Verity, which is implanted in the Soul of a Man, and which our Philosopher incessantly Consulted without Prejudice, guided all his Words' (*Advertisement*). He ever encouraged men to 'conquer their violent Temper, and submit their Passions, which are generally violent, to Right Reason', which Confucius understands as 'the last End and Sovereign Good'. As such, Cousins claims,

> he has a very considerable Advantage, not only over a great number of Pagan Writers ... but likewise over several Christian Authors, who abound with so many false, or over-subtile Thoughts ... [and] consequently make few Virtuous Men. (*Advertisement*).

These accounts of China proved highly popular across Europe in the latter half of the seventeenth century. As Simon Kow has recently demonstrated, 'China preoccupied the minds of Enlightenment thinkers', who 'sought to hold it up as a mirror in which to examine the

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[330] *Confucius Sinarum Philosophus*, ed. Thierry Maynard (Rome: Institutum Historicum Societatis Iesu, 2011), p. 83.
[331] *The Morals of Confucius, a Chinese Philosopher* (1691).

philosophical and institutional inadequacies of Europe, as a model with which to instigate moral and political reform', and, in some cases, 'as a tool with which to strip Christianity of its pretensions to uniqueness'.[332] Toland's mentor Leibniz, for example, argued that Europeans were 'surpassed by the Chinese in practical philosophy … the adaptation of politics and ethics to contemporary life', and that just as the Jesuits had been sent to China, the Chinese ought to send Europe their own 'Missionaries of Reason' in order to 'preach the Natural Religion'.[333] This assertion that the Chinese need to bring reason to Europe is made again in the preface to the *Novissima Sinica*, where Leibniz condemns the Europeans as less ethical than the Chinese because they are 'not enough accustomed to act by reason and rule'. Whereas, for the Chinese, Leibniz claims, to 'offend Heaven is to act against reason' and 'to ask pardon of heaven is to reform oneself and to make a sincere return in word and deed in the submission one owes to this very law of reason', as 'it renews the natural law inscribed in our hearts'.[334]

While the enthusiasm for China held by philosophers on the continent was 'never fully shared by their British counterparts … from early in the seventeenth century in Britain there is evidence of a growing respect for and interest in the philosophy and political constitution of China in a way that echoed quietly many similar themes', and the 'group of British thinkers most responsive to the allures of China were undoubtedly the deists who frequently drew on Confucian philosophy in support of their views'.[335] Illustrating this precise point, Collins declared that 'in most Christian Countrys' 'divers Maxims pass for Christian Precepts of Morality' which are 'more immoral, and more fundamentally opposite to the good of Society, than are to be found in divers Heathen and Mahometan Countrys', going on to cite 'two remarkable Passages in relation to the *Chinese*':

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[332] Simon Kow, *China in Early Enlightenment Political Thought* (London: Routledge, 2016), p. 6.
[333] Mungello, p. 108-9; Gottfried Wilhelm Leibniz, Letter to Electress Sophia, April 1709 in *Die Werke von Leibniz*, ed. Onno Klop (Hannover, 1864-84), p. 301.
[334] Leibniz, *Novissima Sinica*, trans. Donald Lach, in Daniel Cook and Henry Roosevelt Jr. eds., *Writings on China* (Chicago: Open Court, 1994), pp. 45-61.
[335] J. J. Clarke, *Oriental Enlightenment*, p. 51.

> one from the greater Philosopher *Leibniz*, and the other from Father *Navarette*, first a Missionary in China, and afterwards made an Archbishop in *Europe*. *Leibniz* says, *Quis olim credidisset, esse gentem in orbe terrarum quae nos opinione nostra ad omnem morum elegantiam usque adeo eruditos, tamen vincat civilioris vitae praescriptis? Et hoc tamen in Sinensibus nunc experimur, ex quo illa gens nobis notior facta est —— Si artibus operatricibus pares sumus, si scientiis comtemplativis vicimus, certe practica philosophia (quod propemodum fateri pudet) victi sumus, id est, Ethicae & Politicae praeceptis, ad ipsam vitam usumque mortalium accomodatis. Dici enim non potest, quam pulchre omnia ad tranquillitatem publicam, ordinemque hominum inter se, ut quam minime sibi ipsi incommodent, supra aliarum gentium leges apud Sinenses sint ordinata. —— Certe talis nostrarum rerum mihi videteur esse conditio, gliscentibus in immensum corruptelis, ut propemodum necessarium videatur missionarios Sinensium ad nos mitti, qui Theologiae naturalis usum praxinque nos doceant, quemadmodeum nos illis mittimus qui Theologiam eos doceant revelatam* ['But who would have believed that there is on earth a people who, though we are in our view so very advanced in every branch of behaviour, still surpass us in comprehending the precepts of civil life? Yet now we find this to be so among the Chinese, as we learn to know them better ... And so if we are their equals in the industrial arts, and ahead of them in contemplative sciences, certainly they surpass us (though it is almost shameful to confess this) in practical philosophy, that is, in the precepts of ethics and politics adapted to the present life and use of mortals. Indeed, it is difficult to describe how beautifully all the laws of the Chinese, in contrast to those of other peoples, are directed to the achievement of public tranquillity and the establishment of social order, so that men shall be disrupted in their relations as little as possible ... Certainly the condition of our affairs, slipping as we are into ever greater corruption, seems to be such that we need missionaries from the Chinese who might teach us the use and practice of natural religion, just as we have sent them teachers of revealed theology']. *Navarrete* says, 'It is God's special Providence, that the *Chineses* do not know what is done in Christendom; for if they did there would be never a Man among them but would spit in our Faces'.[336]

Tindal, too, draws upon the Chinese to defend the alleged 'defects of the Law of Nature', quoting precisely the same passages as Collins from both Leibniz and Navarette, who 'in comparing the Christians at present with the Infidels of *China*, does not scruple to give the preference to the latter,

[336] Collins, *A Letter to the Reverend Dr. Rogers* (1727), pp. 59-60.

in relation to all *Moral Virtue*' (p. 371).[337] For, while we 'find that what, in most Places, passes for the Christian Religion ... has transform'd this social, and benign Creature into one fierce, and cruel; and made him act with such Rage and Fury against those, who never did, or designed him to the least Injury', 'there's no part of Natural Religion, but highly tends to improve this social, and benign Temper' (p. 371). Tindal avers that he is 'so far from thinking the Maxims of *Confucius*, and Jesus Christ to differ; that I think the plain and simple Maxims of the former, will help illustrate the more obscure ones of the latter' (p.314). As for Toland, in his tract attempting to show that superstition was more pernicious to society than atheism, *Adeisidaemon* (1709), he also calls upon the Chinese to validate his case:

> No mortals are today found in the world (I do not mention certain ancient philosophers and others of their kind) who are more refined and upright in their morals, or more honourable or conscientious in all the offices and duties of good citizenship than the much talked about sect among the Chinese called the LITERATI ... [and] they do not acknowledge any divine power distinct from the material and bonding of this world, and they completely reject, as fabulous or contrived for political reasons, all doctrines concerning the future state of souls.[338]

Another advocate of both the deist cause and the superiority of Chinese morality was Swift's long-time friend and intimate correspondent, Henry St John, Viscount Bolingbroke. Bolingbroke, following a career as a prominent Tory politician under Queen Anne, had been discharged by George I, and, fearing prosecution because of his sympathies with both the French and the Jacobites, had fled to France in March 1715. There Bolingbroke sought consolation in study, paying particular attention to religion and morality. As he wrote in a letter to Swift, without 'any such Monster as Party' for distraction, 'my Philosophy grows confirmed by Habit'.[339] As H. T.

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[337] Tindal, *Christianity as Old as Creation* (1730).
[338] Toland, *Adeisidaemon* (1709), p. 24.
[339] Bolingbroke to Swift, August 1723 in Swift, *Correspondence*, ed. Harold Williams, 5 vols (Oxford: Clarendon Press, 1963-65), II, pp. 460-63.

Dickinson has observed, during this period of reflection away from public life, Bolingbroke became 'very interested in natural law and natural religion, and gradually developed into a deist'.[340] Although Bolingbroke's philosophical essays were not published until 1754, three years after his death, most were the result of the studies he began in France and kept up on his return to England in 1725. In these essays he strove to erect an ethical and religious system based on reason and natural law and held Chinese philosophy up as a paradigm of the political and social utility such a system would create.

Yet again, Cicero is Bolingbroke's starting point: 'The Law of nature, or of right reason, is the real original of all positive laws. Such as it appeared to Tully' (III, pp. 401-2).[341] This 'law is given to guide and govern human conduct' and should it 'universally and constantly guide and govern it, mankind would reach the perfection of their nature, and be as happy as they are by this made capable of being' (IV, p. 155). Unfortunately, when it came to the law of nature and its meaning, 'some few remain in ignorance, many more fall into error, and the irrational prevails over the rational nature' (IV, p. 155). To Bolingbroke, it was religion which both caused and perpetuated this regrettable tendency. For the world's

> religions instituted by human, under the mask of divine, authority, though they might be intended to restrain and reform mankind, to give stronger sanctions to the law of nature, and to be subservient to government, have served, in all ages, to very different purposes. They have promoted false conceptions of the deity, they have substituted superstition in the place of those real duties which we owe to God and man, they have added new occasions to those that subsisted before of enmity and strife; and insociability has increased as they have flourished. Nay, the first principles of them have been laid in it in direct opposition to the religion of nature and reason, the first principle of which is a sociability that flows from universal benevolence. (IV, pp. 155-56)

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[340] H. T. Dickinson, *Bolingbroke* (London: Constable, 1970), p. 310.
[341] Henry St John, Viscount Bolingbroke, *The Philosophical Works of the Late Right Honourable Henry St. John, Lord Viscount Bolingbroke*, 5 vols (1754).

On the other hand, 'Christian law is nothing else than the law of nature' (IV, p. 26), and the 'man, who neglects the duties of natural religion and the obligations of morality, acts against his nature, and lives in open defiance to the author of it' (III, p. 415). To see this, Bolingbroke insisted, we had only to look back into the annals of history. For while there 'was no creed, nor any act of uniformity imposed on the heathen philosophers' (IV, p. 186), still 'it is not true, that the system of moral obligations, or natural religion, was to them a wide sea wherein they wandered without knowing their way or having any guide' (IV, p. 186), nor that 'they were unable to make out upon what principles originally, and for what end ultimately, the choice of virtue was to be made' (IV, pp.186-87). Indeed, there 'is a country … where we may find examples to confirm and illustrate what is here said, by comparing the effects of natural religion, unmixed and uncorrupted, with those of artificial theology and superstition': 'China' (IV, p. 194). According to 'the Jesuits … the best authority in this case', Bolingbroke explains, the ancient Chinese 'literati' had simply

> observed the order of nature, and from thence they deduced all the rules of private morality and public policy. To compare his conduct with the law of heaven and earth, is the character of a perfect prince, in the works of Confucius. That reason should preside over passion, was the great rule of life. And to walk according to it, was to walk in the great highway of life. Thus they were led by simple and plain reasonings, from the works to the will of God, and to three kinds of moral obligations, to those of an individual, of the member of the family, and of the member of a political society. Bare reason enforced so well the practice of natural religion, by the laws and constitutions of this empire, and the duties of it became so habitual by education and custom, that this people enjoyed under their two first imperial families, which continued eleven hundred years, all the blessings of public and private virtue that humanity is capable of enjoying. (IV, pp. 195-96)

Whereas, if 'we return now to those countries with which we are better acquainted, we shall find, indeed, natural religion, nowhere established in its full extent and purity, as it seems to have been once in China' (IV, p. 201). For what philosophers had started, 'priests carried on with no small

advantage to themselves, but without any to religion' (IV, p. 214). The 'reformation of mankind was not their principal aim, and the little they did to deter men from vice was done in a method that could not fail to have, as, in fact, it had, a contrary effect':

> The observation of ceremonies, of feasts, and solemnities, that had no foundation in reason, and that were arbitrarily prescribed by ecclesiastical discipline, though sometimes under the pretence of revelation, were made the chief means of pleasing the gods, and of pacifying them when they were angry. From hence two great mischiefs arose. Religion became form and ceremony, and the observations of forms and ceremonies of greater moment than the practice of moral duties ... Thus artificial theology and superstition oppressed true religion, and priests found the secret of persuading mankind, that God was better pleased with obedience to their laws than to his own. (IV, pp. 214-15)

But, Bolingbroke affirms, although the 'light of nature, like that of the sun, may be eclipsed: it cannot be extinguished' (IV, p. 27). Notwithstanding 'all the abuses of private and public morality ... that the passions of some men may commit occasionally' – 'even under the mask of religion' – 'these two internal proofs of the divine institution of the law of nature, the conscious certainty that we have, and the plainness and simplicity of it, are in their full force, and superior to those of the same kind which any other revelation contains' (IV, p. 28). For the 'law of our nature is perfect', and 'every instituted religion is dependent on natural religion, and should be made subservient to it' (V, p. 194).

If, and to what extent, Swift was aware of Bolingbroke's heterodoxy is debatable. Many of those closest to him were shocked by the views unveiled in the posthumous publication of his *Collected Works* (when Swift, too, had been safely dead for almost a decade) - the general consensus being that Bolingbroke was a 'scoundrel for charging a blunderbuss against religion and morality' and 'a coward, because he had not the resolution to fire it off himself, but left half a crown to a

beggarly Scotchman [David Mallet], to draw the trigger after his death!'.[342] During his lifetime, Bolingbroke had promoted (at least outwardly) the interests of the Church of England. However, charges of libertinism and deism had clung to his reputation even then, and it was manifest that his loyalty to the Anglican regime stemmed from his belief in its social and political utility, rather than personal fidelity to its dogma. 'To make government effectual to all the good purposes of it', Bolingbroke declared, 'there must be a religion; this religion must be national, and this national religion must be maintained in reputation and reverence; all other sects must be kept too low to become rivals of it'. Thus, while those of enlightened philosophy might rationally disdain various aspects of Christian doctrine, they must concede that many 'things absurd in belief, and ridiculous in practice, were necessary to attach the great number of men and women, and especially of the vulgar to Christianity'.[343] As Bolingbroke wrote to Swift in July 1721, 'this monstrous beast ['the rabble'] has passions to be moved, but no reason to be appealed to; and that plain truth will influence half a score men at most in a nation, or an age, while mystery will lead millions by the nose'.[344] The obvious insinuations of this remark and the casual tone of its delivery might suggest that Swift was partially conscious of his friend's private religious inclinations, and perhaps even somewhat tolerant.[345] After all, in the *Journal to Stella*, Swift had recorded Bolingbroke's hypocrisy with relative insouciance: 'I was early with the secretary to-day, but he was gone to his devotions, and to receive the sacrament; several rakes did the same; it was not for piety, but employments; according to act of parliament'.[346] However the clearest indication that Swift did, to some degree,

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[342] The most famous response to Bolingbroke's works was William Warburton's *A View of Lord Bolingbroke's Philosophy* (1754-5).
[343] Quoted in Dickinson, *Bolingbroke* (London: Constable, 1970), pp. 164-5.
[344] Swift, *Correspondence*, III, pp. 394-400. Swift evidently made a reply to this letter - 'I received your letter of the twenty-ninth of September, above a fortnight ago' Bolingbroke writes on Jan 1st, 1722 – but it is lost.
[345] Swift was always more concerned by the publication of deistical opinions than their actual existence. Every individual was permitted the 'liberty of possessing our own thoughts and opinions' and 'To say a man is bound to believe, is neither truth nor sense'. However, to 'form conventicles . . . and print books' which disseminated these opinions results in 'revolutions, or at least convulsions and disturbances in a state'. See also, *Some Thoughts on Freethinking* in *The Prose Works of Jonathan Swift*, IV, pp. 49-50.
[346] Letter 35 in Swift, *Journal to Stella*, ed. Abigail Williams (Cambridge: Cambridge University Press, 2013), p. 330.

suspect Bolingbroke of deistical leanings lies in what we might infer from a reply made by Bolingbroke on December 12th 1724 to a letter (now lost) in which Swift evidently made something close to an accusation. Here, in response to Swift's unknown charges, Bolingbroke confessed openly that while he shunned the 'term Esprit fort' for being 'usually apply'd to Men whom I look upon to be the Pests of Society, because their endeavours are directed to loosen the bands of it', 'Reveal'd Religion is a lofty & pompous structure erected close to the humble & plain building of Natural Religion'. Hence 'if indeed by Esprit fort, or free thinker, you only mean a Man who makes a free use of his Reason, who searches after truth without passion, or prejudice, & adheres inviolably to it, you mean a wise & honest Man, and such a one as I labour to be'. Building upon this, Bolingbroke continues:

> the faculty of distinguishing between right & wrong, true & false, which we call Reason or common Sence, which is given to Every Man by our bountiful Creator, and wch most Men lose by neglect, is the light of the mind, and ought to guide all the operations of it. to abandon this rule, & to guide our thoughts by any other, is full as absurd as it would be if you should put out yr eyes … such free thinkers as these, I am sure you cannot even in yr apostolical capacity disapprove. for since the truth of the divine Revelation of Christianity is as evident, as matters of fact, on the belief of which so much depends, and ought to be, agreably to all our ideas of justice, those free thinkers must needs be Christians on the best foundation … the peace & happyness of mankind is the great aim of these free thinkers, & therefore as those among them who remain incredulous, will not oppose you, so those, whom Reason enlighten'd by Grace has made Believers, may be sorry, & may express their sorrow, as I have done, to see Religion perverted to purposes so contrary to her true intention, & first design. can a good Christian behold the ministers of the meek & humble Jesus exercising an insolent & cruel usurpation over their Brethren, or the Messengers of peace & good news setting all Mankind together by the Ears, or that Religion, wch breathes charity & universal benevolence, spilling more blood, upon Reflexion & by System, than the most barbarous Heathen ever did in the heat of action, and fury of conquest can he behold all this wth an holy indignation, and not be criminal? nay when he turns his eyes from these tragical scenes & considers the ordinary tenour of things;

> do you not think he will be shock'd to observe metaphysicks substituted to Theory, & Ceremony to the practice of Morality?[347]

Although he remained dubious about the motives of many of the men labelled as free thinking, Bolingbroke vindicated, directly to Swift, the moral truth of their theology, and deplored the present condition of the Church for its divergence from the ethical purity of natural religion.

This was not the first time someone close to Swift had embraced such views about China and the natural religion of its *literati* sect. Swift's erstwhile employer, the ex-diplomat Sir William Temple, had also been an ardent Sinophile, whose descriptions of that nation's religious topography has points of contact with those of the deists that followed him. Of course, this is not to suggest Temple himself was a deist. As his sister Lady Giffard proclaimed, Temple's own 'religion was that of the Church of England he was born and bred in, and [he] thought nobody ought to change, since it must require more time and pains than one's life can furnish to make a true judgement of that which interest and folly were commonly the motives to'.[348] Nevertheless, Temple was an ardent advocate of religious toleration, as is evident from his tract *Observations upon the United Provinces*, based upon his experiences as the English Ambassador to the Hague. There, Temple explains how

> it is hardly to be imagined, how all the violence and sharpness, which accompanies the differences of Religion in other Countrys, seems to be appeased or softned here, by the general freedom which all men enjoy ... in this Commonwealth, no Man having any reason to complain of oppression in Conscience; and no Man having hopes, by advancing his Religion, to form a Party, or break in upon the State ... Men live together, like Citizens of the World, associated by the common ties of Humanity.[349]

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[347] Bolingbroke to Swift, 12 September 1724 in *Correspondence*, III, pp. 26-30.
[348] Quoted in H. E. Woodbridge, *Sir William Temple* (New York: The Modern Language Association of America, 1940) p. 224.
[349] Sir William Temple, *Observations upon the United Provinces of the Netherlands* (1673), pp. 181-3.

Temple also displayed a deep interest in the Confucian philosophy of the Chinese *literati* and its alleged compatibility with Christian ethics. Through Temple's library Swift would have had access to all the classic Jesuit accounts praising China's natural religion, as well as *Confucius Sinarum Philosophus*.[350] Moreover, it was during Swift's first years at Moor Park - and partly owing to his support - that Temple composed and published his *Miscellanea*, a collection of essays in which China was to feature.

First mentioned within the essay 'Of Ancient and Modern Learning' - Temple's contribution to the great quarrel over the respective merits of ancient and modern learning[351] - China is invoked to support Temple's 'Conjecture, of much Learning, being derived from ... remote and ancient Fountains' (p. 22).[352] Within this treatise, Temple insists that the historical documents 'of China, are the oldest, that any where pretend to any fair Record', as 'agreed, by the Missionary Jesuits' (p. 22). Most particular amongst their valuable volumes, Temple claimed, were those of 'their Great and Renowned *Confutius*'. This philosopher, 'began [with] the same Design, of reclaiming Men from the useless and endless Speculations of Nature, to those of Morality', but 'with this Difference, that [while] the Bent of the *Grecian,* seemed to be chiefly, upon the Happyness of private Men or Families ... that of the *Chinese,* [was] upon the good Temperament and Felicity of such Kingdoms or Governments' (p. 23).

This, however, was just the start of Temple's homage to the Chinese and their exemplification of the virtuous rule of the law of nature within his *Miscellanea*, which reached its zenith in his essay 'Of Heroic Virtue'. Here, forming the national example of the essay's titular attribute, Temple declares China to be 'the greatest, richest and most populous Kingdom, now

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[350] Martini Martinus, Jesuit, *Bellum Tartaricum* (1654); Moreau Louis, *Le Fameux Chinois* (1642); Nieuhof, Jan, *An Embassy from the East-India Company to the Grand Tartar Cham, emperour of China* (1669); Matteo, Ricci, *Histoire de l'expedition chrestienne au royaume de la Chine* (1616); Semmedo, Alvaro, Portuguese Jesuit, *The History of that Great and Renowned Monarchy of China* (1655); Trigault, Nicolas, *Regni Chinensis Description* (1639).

[351] See Joseph Levine, *The Battle of the Books* (Ithaca: Cornell University Press, 1991).

[352] Temple, *Miscellanea* (1690). All references are to this edition.

known in the World', and that it owes its 'Riches, Force, Civility and Felicity, to the admirable constitution of its Government' - a government made up solely of 'Philosophers' (p. 169). Where 'other Nations are usually distinguished into Noble and Plebeian', Temple continues, the Chinese may be socially 'distinguish'd into Learned and Illiterate' (p. 172):

> the last makes up the Body or Mass of the People who are govern'd; the first comprehends all the Magistrates [or 'Mandarines'] that govern ... for no other than the Learned are ever employed in the Government, nor any in the greatest Charges, that are not of those Ranks or Degrees of Learning, that make them termed Sages, or Philosophers, or Doctors among them. (p. 173)

Yet 'to comprehend what this Government of China is, and what the Persons employed in it, there will be a necessity of knowing what their Learning is, and how it makes them fit for Government, very contrary to what ours in Europe is observed to do' (p. 173). This learning and the prosperity and virtue it produced within the government of Chinese society, are once again attributed to Confucius, the 'most learned, wise and vertuous of all the Chineses' for whom both 'the King and Magistrates ... seem to have had the greatest Deference, that has any where been rendred to any Mortal Man' (pp. 174-75).

In outlining the contents of these teachings, Temple (like the Jesuits before him) presents Confucius as the mouthpiece for a morality centred on the law of nature and reason and 'framed for the Institution and Conduct of Mens Lives, their Families, and their Governments':

> The chief Principle He seems to lay down for a Foundation, and builds upon, is, That every Man ought to study and endeavour the improving and perfecting of His own Natural Reason, to the greatest height He is capable, so as He may never (or as seldom as can be) err and swerve from the Law of Nature, in the course and conduct of His Life: That this, being not to be done without much thought, enquiry, and diligence, makes Study and Philosophy necessary; which teaches Men what is good, and what is bad, either in its own Nature or for theirs, and consequently what is to

> be done and what to be avoided, by every Man is His several Station or Capacity. That in this perfection of Natural Reason, consists the perfection of Body and Mind, and the utmost or supream Happiness of Mankind. That the means and rules to attain this perfection, are chiefly not to will or desire any thing but what is consonant to this Natural Reason, nor any thing that is not agreeable to the good and happiness of other men, as well as our own. To this end is prescribed, the constant course and practice of the several Vertues, known and agreed so generally in the World, among which, Courtesy or Civility, and Gratitude, are Cardinal with them. In short, the whole scope of all *Confutius* has writ, seems aimed only, at teaching Men to live well, and to govern well. (pp. 177-78)

Although less directly critical of Christianity than the deists, in Temple's interpretation of Confucius' philosophy of natural law - predicated upon the perfection of human reason - is the means both to moral goodness and happiness. '[A]ll other sorts [of learning] are either disused or ignoble among them', and rightly so, Temple continues, for it 'serves, I fear, among us, for little more, than to raise Doubts and Disputes, Heats and Feuds, Animosities and Factions, in all Controversies of Religion or Government' (p. 179). As such Confucius was, in Temple's estimate, 'a very extraordinary Genius, of mighty Learning, admirable Vertue, excellent Nature, a true Patriot of His Country, and Lover of Mankind' - a figure to be held up for European emulation (p. 179).

Temple is keen to highlight the beneficial results that have accrued to Chinese society because of its adoption of Confucian values. Temple claims 'It were endless to enumerate, all the excellent Orders of this State, which seem contrived by a reach of Sense and Wisdom, beyond what we meet with, in any other Government of the World' (p. 189). In the Chinese state, 'Honor and Respect' is not 'paid to Nobility or Riches so much', but to 'Vertue and Learning, which are equally regarded, both by the Prince and the People' (p. 191). Furthermore, 'the advancement to Office of persons only for excelling in those Qualities, prevents the Cankers of Envy and Faction, that corrupt and destroy so many other Governments' (p. 191). Thus 'Every one seeking Preferment here only by Merit, attributes to it that of other Men', and 'Tho the King be the most absolute in the World ... yet all Matters, being first digested and represented by His Councils, the Humors and Passions

of the Prince, enter not into the forms or conduct of the Government' (p. 191). This being so, there is 'no People better govern'd, nor with greater Ease and Felicity', and '[t]he two great hinges of all Governments, Reward and Punishment, are no where turned with greater care, nor exercised with more Bounty and Severity' (p. 191). Regarding religion, Temple states that although the 'the vulgar or illiterate ... worship after their manner, whatever Idols belong to each City, or Village or Family, and the Temples and Priests belonging to them, are in usual request among the common People and the Women', the Confucian-following 'Learned adore the Spirit of the World, which they hold to be Eternal, and this without Temples, Idols or Priests' (p. 196). And Temple demonstrates the manifold advantages that the philosophy of natural law can produce in the government of a nation. For upon 'these Foundations and Institutions', the 'Kingdom of China seems to be framed and policed with the utmost Force and Reach of Human Wisdom, Reason and Contrivance, and in Practice, to excel the very Speculations of other Men, and all those imaginary Scheams of the European Wits, the Institutions of Xenophon, the Republick of Plato, the Utopias or Oceanas of our Modern Writers' (p. 192).

In describing the Chinese within the *Miscellanea*, Temple claimed that they had realised a utopia on earth without the need for supernatural intervention or imaginary speculation. Much akin to the views expressed later by Toland, Collins and Bolingbroke, the natural reason preserved and taught by Confucius became proof that adherence to natural reason had all the positive effects on a society that persons in Christendom sought but never found. In short, Confucianism vindicated the argument for reason above revealed religion. It was a treachery not missed by his contemporaries. In Burnet's condemnation of Temple in his *History*, published just three years before *Gulliver's Travels*, the Bishop focussed on Temple's enthusiasm for the Chinese:

> he thought that religion was only fit for the mob. He was a great admirer of the sect of Confucius in China, who were atheists

> themselves, but left religion to the rabble. He was a corrupter of all who came near him.[353]

William Wotton was similarly scathing, remarking of Temple's belief in extended history:

> Among all the Hypotheses of those who would destroy our most Holy Faith, none is so plausible as that of the eternity of the world. The fabulous Histories of the Eygptians, Chaldeans and Chineses seem to countenance that Assertion … [and make the idea] very amiable to those whose Interest it is, that the Christian religion should be but an empty form of words.

As for the 'writings of Confucius', they were in Wotton's estimation 'an incoherent Rhapsody of moral sayings, which good Sense and tolerable Experience might have furnished any man with' – certainly nothing to compare with the laws handed down by 'Jesus or Moses'.[354] As we shall see, although Temple himself might not have wished to disturb or challenge the Anglican supremacy, or have condoned anything like the radicalism of the deists, in the light of the later controversies surrounding China and freethinking, his essay promoting Confucius at the expense of European and Christian virtue became for Swift a potent instance of precisely such heterodoxies.

Swift, Deism and Doubt

In scholarship today it is largely (though not universally) accepted that Swift was an orthodox member of the Anglican Church. As Marcus Walsh has summarised, while Swift 'famously described himself as "not the gravest of divines", the seriousness of his Christian faith, as well as his commitment to his church, are not in doubt'.[355] Certainly, a considerable portion of Swift's religious writings - particularly those written during the period of his campaign against the English

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[353] Burnet, *History*, I, p. 647.
[354] William Wotton, *Reflections upon Ancient and Modern Learning* (1694), p. 145.
[355] Marcus Walsh, 'Swift and Religion', *The Cambridge Companion to Swift*, ed. Christopher Fox (Cambridge: Cambridge University Press, 2003), pp. 161-176 (p. 175).

Whig government's proposals to repeal the Test Act in Ireland - were passionate endorsements of the Anglican Church and its place within society aimed at ridiculing the freethinkers. These writings sought to present the deists as overstating humanity's capacity for right reason, as well as encouraging immorality and political unrest, and argued for the necessity of restricting the expression of religious dissent.

The majority of these works, however, were far from flatly didactic. A case in point is *An Argument Against Abolishing Christianity* (1708), which Walter Scott praised as 'one of the most felicitous efforts in our language, to engage wit and humour on the side of religion'.[356] Here, Swift adopts the persona of an ostensibly well-meaning unbeliever - whose views are separated from Swift's own by a disconcertingly unknown degree - who appeals to his reader to consider the benefits of at least a layer of nominal Christianity within English society. Swift's narrator admits, while 'I hope no reader imagines me so weak to stand up in the defence of real Christianity … to have an influence upon men's belief and actions' (p. 27), the preservation of some ostensible system of the Christian faith would be profitable.[357] Although abolition would accomplish the 'great advantage' of 'enlarg[ing] and establish[ing] liberty of conscience, that great bulwark of our nation, and of the protestant religion; which is still too much limited by priestcraft, notwithstanding all the good intentions of the legislature' (p. 28), certain disadvantages would be felt keenly. Swift then deploys the speaker's descriptions of these alleged drawbacks to criticise the spread of freethinking and the government's treacherous toleration of the deists' writings at the expense of the established church. For, while it is charged 'against the gospel system, that it obliges men to the belief of things too difficult for freethinkers, and such who have shaken off the prejudices that usually cling to a confined education' (p. 29), the speaker admits,

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[356] *The Works of Jonathan Swift*, ed. Sir Walter Scott, 19 vols (Edinburgh: Constable, 1824), VIII, p. 61.
[357] Swift, *An Argument Against Abolishing Christianity* in *The Prose Works of Jonathan Swift*, II.

> Is not every body freely allowed to believe whatever he pleases, and to publish his belief to the world whenever he thinks fit, especially if it serves to strengthen the party, which is in the right? Would any indifferent foreigner, who should read the trumpery lately written by Asgil, Tindal, Toland, Coward, and forty more, imagine the Gospel to be our rule of faith, and confirmed by parliaments? Does any man either believe, or say he believes, or desire to have it thought that he says he believes, one syllable of the matter? And is any man worse received upon that score, or does he find his want of nominal faith a disadvantage to him, in the pursuit of any civil or military employment? (p. 30)

There is hardly any need to abolish Christianity, Swift intimates, given the current liberality being displayed towards the most blatant heretics. But the deists are not only painted as opponents of scripture. In contradiction of the deists' own emphasis on abiding by the ethical code of nature, Swift's tract presents freethinking as a philosophy designed to license a profligate life free from the constraint of all moral principles:

> It is likewise proposed as a great advantage to the publick, that if we once discard the system of the Gospel, all religion will of course be banished for ever; and consequently, along with it, those grievous prejudices of education, which, under the names of virtue, conscience, honour, justice, and the like, are so apt to disturb the peace of human minds, and the notions whereof are so hard to be eradicated, by right reason, or freethinking, sometimes during the whole course of our lives. (p. 33)

Here 'right reason' - or at least the deists' conception of that principle - is implied to be an excuse to disregard the customary notions of 'virtue' and 'conscience' that are the safeguard of human society. Developing a new strategy of attack, Swift continues to lampoon the deists' self-proclaimed capacity for reason, as the speaker laments facetiously that

> if Christianity were once abolished, how could the freethinkers, the strong reasoners, and the men of profound learning, be able to find another subject, so calculated in all points, whereon to display their abilities? what wonderful productions of wit should we be deprived of, from those, whose genius, by continual

> practice, has been wholly turned upon raillery and invectives against religion, and would therefore never be able to shine or distinguish themselves, upon any other subject! … who would ever have suspected … Toland for a philosopher, if the inexhaustible stock of Christianity had not been at hand, to provide them with materials? what other subject through all art or nature, could have produced Tindal for a profound author, or furnished him with readers? (p. 36)

Swifts mocks Toland and Tindal's assaults upon Christianity as literary display, an entertainment whose very existence depended on the doctrine it purported to deride and without which its authors could hope for little other distinction. Of course, a further layer of irony is added in that Swift's own verbose raillery also enacts this kind of performance.

Swift considered taking a more directly combative move against Tindal a year earlier, drafting a reply to one of the freethinker's earliest tracts, *The Rights of the Christian Church* (1706). Swift's unfinished riposte to Tindal's call for the relegation of the clergy was essentially an *ad hominem* attack - a method Swift justified on the grounds that Tindal's text propagated 'pernicious principles'. Just as 'when Milton writ his book of divorces, it was presently rejected … because every body knew, he had a shrew for his wife' (p. 67), Swift set out to demonstrate that Tindal's thesis was 'the production of a man … wholly prostitute in life and principles, and only an enemy to religion, because it condemns them' (p. 68).[358] Alongside this character assassination, Swift's critique makes equally short shrift of the treatise itself, which is derided as 'a motley, inconsistent composition' of 'bold, rude, improbable falshoods, and gross misinterpretations', 'supported by the most impudent sophistry and false logic I have any where observed' (p. 69). As in the *Argument*, Swift insists that the freethinkers' arguments for freedom of conscience were merely a veil for their desire for the dissolution of all order and morality - 'it being necessary for men of libertine practices, to embrace libertine principles, or else they cannot act in consistence with any reason, or preserve

[358] Swift, *Remarks upon a Book, entitled, The Rights of the Christian Church* in *The Prose Works of Jonathan Swift*, II.

any peace of mind' - and to which end they sought to make 'religion, church, Christianity, with all their concomitants, a perfect contrivance of the civil power' (p. 70). As for Tindal's conception of the state of nature and ideas on government, Swift's notes are pithily dismissive:

> Page 6. "It will be necessary to show what is contained in the idea of government." Now, it is to be understood, that this refined way of speaking was introduced by Mr. Locke; after whom the author limpeth as fast as he is able. (p. 80)
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> Page 12. "And as such might justly be punished by every one in the state of nature." False; he does not seem to understand the state of nature, although he has borrowed it from Hobbes, &c. (p. 88)

Moreover, Swift appears to deem any suggestion of a connection between natural law and religious doctrine as the false imposition of politics upon the remit of the ecclesiastical:

> Ibid. "Which can only be known by examining whether men had any power in the state of nature over their own, or others actions, in these matters." No, that is a wrong method, unless where religion has not been revealed; in natural religion, &c. (p. 88)
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> Ibid. "The light of nature, as well as the Gospel, obliges people to judge of themselves, &c. to avoid false prophets, seducers, &c." The legislature can turn out a priest, and appoint another ready-made, but not make one; as you discharge a physician, and may take a farrier; but he is no physician, unless made as he ought to be. (p. 98)

For Swift, the commands of revelation trumped rights extrapolated from the 'state of nature', and, while the 'light of nature' might empower the people to 'turn out a priest', he could not truly hold that office unless spiritually worthy of it.

Swift also made a personal attack upon another of the deists with the parodic paraphrase, *Mr. Collins's Discourse of Free-thinking* (1713) - a would-be summary of Collins' original by an alleged acolyte claiming to elucidate his thesis for the less erudite masses. The author's assertions to have

provided the public with nothing more than a '*brief, but faithful Abstract, of this most excellent Essay; wherein I have all along religiously adhered to our Author's Notions, and generally to his Words*', and '*have not, in any single Instance, misrepresented the Thoughts of this admirable Writer*' (p. 48) were another ruse on Swift's part.[359] Instead, Swift's tract performs a caricature of the freethinker's arguments that reduces his arguments to instances of trivial nonsense ('Another instance of the priests' conduct, which multiplies freethinkers, is their acknowledgment of abuses, defects, and false doctrines, in the church; particularly that of eating black pudding, which is so plainly forbid in the Old and New Testament' (pp. 35-6)) or spiralling vacuities ('whoever cannot think freely, may let it alone if he pleases, by virtue of his right to think freely; that is to say, if such a man freely thinks that he cannot think freely, of which every man is a sufficient judge, why then he need not think freely, unless he thinks fit' (p. 38)). As Frank Ellis has noted, however, in the vein of various of Swift's endeavours in the *Argument*, the main purpose of his alterations to Collins's text is to 'politicise the argument'.[360] Where Collins had tried to position the *Discourse* above partisanship, calling 'a blind Zeal … to party' 'the worse of all Vices', Swift is determined to frame the tract as a piece of profane political propaganda. As the speaker's Preface opens,

> Our party having failed, by all their political arguments, to reestablish their power; the wise leaders have determined that the last and principal remedy should be made use of, for opening the eyes of this blinded nation; and that a short, but perfect system of their divinity should be published … and it will be allowed on all hands, that nothing can sooner help to restore our abdicated cause, than a firm universal belief of the principles laid down by this sublime author: for I am sensible that nothing would more contribute to "the continuance of the war," and the restoration of the late ministry, than to have the doctrines delivered in this treatise well infused into the people. (p. 27)

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[359] *Mr. Collins's Discourse of Free-thinking* in *The Prose Works of Jonathan Swift*, IV.
[360] Frank H. Ellis, 'What Swift Did to Collins's Discourse of FreeThinking and Why' in *Eighteenth Century Contexts: Historical Enquiries in Honour of Philip Harth*, eds. Howard D. Weinbrot, Peter J. Schakel, and Stephen E. Karian (Madison: The University of Wisconsin Press, 2001), pp. 82-3.

Meanwhile, again recalling the *Argument*, where Swift takes issue with the deists' desire to publicise their heresy - 'to publish his belief to the world whenever he thinks fit' - in *Mr. Collins's Discourse* Swift also attacks the deists' conflation of the two distinct concepts: freethinking and free speech. 'Free Thinking signifies nothing', the speaker observes, 'without Free Speaking and Free Writing. It is the indispensable Duty of a Free Thinker, to endeavour forcing all the World to think as he does, and by that means make them Free Thinkers too' (p. 36). This sentiment was repeated in the short and undated 'Some Thoughts on Freethinking', in which Swift confesses,

> I cannot imagine what is meant by the mighty zeal in some people for asserting the freedom of thinking; because, if such thinkers keep their thoughts within their own breasts, they can be of no consequence, farther than to themselves. If they publish them to the world, they ought to be answerable for the effects their thoughts produce upon others. There are thousands in this kingdom, who, in their thoughts, prefer a republick, or absolute power of a prince, before a limited monarchy; yet, if any of these should publish their opinions, and go about, by writing or discourse, to persuade the people to innovations in government, they would be liable to the severest punishments the law can inflict; and therefore they are usually so wise as to keep their sentiments to themselves.[361]

Sedition against the established Church, Swift asserts, was as heinous a crime as sedition against the established system of government - a pointed reminder of the civil disruptions that had blighted the seventeenth century.

Yet, if heretofore Swift appears to have concentrated on promoting the social and political utility of Christianity rather than the theological issues at stake, he did pen one tract which engaged explicitly with the deists' promotion of the law of nature in opposition to revealed religion and the authority of the Church. This took the form of a sermon, 'On the Trinity', the date of both the composition and delivery of which are unknown.[362] Here, although Swift focuses on the

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[361] *Some Thoughts on Freethinking* in *The Prose Works of Jonathan Swift*, IV, p. 49.
[362] *Sermon on the Trinity* in *The Prose Works of Jonathan Swift*, IX.

consequences of that doctrine's construction, rather than the truth of the doctrine itself, he also challenges the deists' fundamental belief in human reason as an infallible guide to morality. Scorning the deists' denial of 'the truth of the whole Gospel' merely because it 'appears not agreeable to their own corrupted reason' (p. 159) Swift declares this 'as if a man should say, because he dislikes one law of his country, he will therefore observe no law at all; and yet that one law may be very reasonable in itself, although he does not allow it, or does not know the reason of the lawgivers' (p. 159). Man's reason, Swift's analogy implies, was not capable of comprehending or judging God's. Indeed, 'our religion abounds in mysteries', wholly 'contrary to common reason' (p. 162) and natural law:

> ... it is against the laws of nature, that a human body should be able to walk upon the water, as St. Peter is recorded to have done; or that a dead carcase should be raised from the grave after three days, when it began to corrupt; which those who understand anatomy will pronounce to be impossible by the common rules of nature and reason. Yet these miracles, and many others, are positively affirmed in the Gospel; and these we must believe, or give up our holy religion to atheists and infidels. (pp. 165-66)

Interestingly, Swift stops short of affirming his own personal belief in such miracles and mysteries. Nevertheless, he insists they are not 'cant, imposture, and priestcraft' (p. 162) and presents them as essential both to the integrity of scripture and religious faith. Consequently,

> It would be well, if people would not lay so much weight on their own reason in matters of religion, as to think every thing impossible and absurd which they cannot conceive. How often do we contradict the right rules of reason in the whole course of our lives? Reason itself is true and just, but the reason of every particular man is weak and wavering, perpetually swayed and turned by his interests, his passions, and his vices. Let any man but consider, when he hath a controversy with another, though his cause be ever so unjust, though the whole world be against him, how blinded he is by the love of himself, to believe that right is wrong, and wrong is right, when it makes for his own advantage. Where is then the right use of his reason, which he so much

> boasts of, and which he would blasphemously set up to control the commands of the Almighty. (p. 166)

For Swift, while pure reason itself was unimpeachable, any man's individual access to this capacity was so hindered by his own particular human foibles that to set one's own reason up as a judge upon revealed religion was insupportable. And the deists' opinions, Swift continues, were so 'miserably defective, absurd, and ridiculous' that they could not even 'satisfy the general reason of mankind', marking themselves consequently as 'against the common light of nature as well as reason ... the universal sentiments of all civilized nations and offensive to the ears even of a sober heathen' (p. 167).

However, despite these attacks on the deists in defence of the Anglican Church, it has been suggested that Swift himself harboured an inward scepticism towards revelation and the supernatural not dissimilar to that of the freethinkers. In current scholarship, Claude Rawson has highlighted the 'restlessness and doubt' that permeates Swift's writings, as well as the 'self-implicating' strategies of his critiques of the deists, his engagement stemming 'not merely from the protested reasonings of a satirist, but also from a kind of sympathetic involvement'.[363] Certainly, Swift's 'Some Thoughts on Freethinking' makes clear that all mankind is susceptible to the perils of moral and religious doubt:

> when we consider our thoughts, as they are the seeds of words and actions, we cannot but agree that they ought to be kept under the strictest regulation; and that in the great multiplicity of ideas which one's mind is apt to form, there is nothing more difficult than to select those which are most proper for the conduct of life. (p. 49)

In his 'Thoughts on Religion', Swift also admitted the possibility of a personal struggle with spirituality with the hypothetical affirmation, 'I am not answerable to God for the doubts that arise

[363] Claude Rawson, *The Character of Swift's Satire: A Revised Focus* (Newark: Delaware Press, 1983), p. 25.

in my own breast, … if I take care to conceal those doubts from others, if I use my best endeavours to subdue them, and if they have no influence on the conduct of my life'.[364] Once again, Swift's ire was focused not on the existence of doubt but on the audacity of those who made those doubts public or permitted them to influence their obedience to orthodox Christian morality.

Yet, critical suspicions regarding Swift's (un)belief have concentrated less around statements made by Swift with ostensible sincerity, and more around those more pliable satiric statements, like an *Argument*, where the relationship between Swift and his subject can appear slippery. The principal target of these interrogations of Swift's orthodoxy is the satire that (although published anonymously) first brought Swift's name to public attention, *A Tale of a Tub* (1704). Within the *Tale*, Swift deployed the analogy of three brothers - Martin, Peter and Jack - to represent the Anglican Church, the Catholic Church, and the Dissenters, aiming allegedly to defend the Anglican Church against those groups he saw threatening its hegemony and 'to expose the abuses and corruptions in … Religion'. However, the satire was initially interpreted not simply as an attack upon the perversion of Christianity but as a covert criticism of religion altogether. Samuel Clarke's second set of Boyle lectures, *A Discourse Concerning the Unchangeable Obligations of Natural Religion*, framed the author of the *Tale* as none other than one of the freethinkers. For

> [t]hey pretend commonly in their Discourse and Writings to expose the Abuses and Corruptions of Religion; but (as is too manifest in some of their modern Books as well as in their Talk,) they aim really against all Virtue in general, and all good Manners, and against whatsoever is truly valuable and commendable in Men. Of which a late Author has given us a very impious and profane *Instance.

In the margin opposite this last sentence is a note which reads, '*Tale of a Tub'.[365] Meanwhile, Wotton was convinced that Temple had written the *Tale*, finding it of 'a piece with Temple's 1690

[364] Swift, *Thoughts on Religion* in *The Prose Works of Jonathan Swift*, IX, p. 262.
[365] Clarke, *A Discourse Concerning the Unchangeable Obligations of Natural Religion*, pp. 28-9.

essays with their sinophilism, religious scepticism, secular moral system, and challenge to revealed religion'.[366] 'The Author', he speculates, 'copies from Mr. Toland, who always raises a Laugh at the Word Mystery, the Word and Thing whereof he is known to believe no more than a *Tale of the Tub*'.[367] The *Tale*'s title was certainly provocative, being associated with the deists as an expression alluding to the falsehoods of religion - as the anonymous poem 'The Deist: A Satyr on the Parsons' demonstrates:

> Religion's a Politick Law,
> Devis'd by the Priggs of the Schools;
> To keep the Rabble in awe
> And amuse poor Bigotted Fools.
> ...
> And they, for good victualls and Bubb,
> Will bellow their Nonsense aloud,
> And rant out a Tale of A Tub,
> To fright the ignorant Croude.[368]

As such, if the corruptions of religion form the openly acknowledged subject of Swift's satire, the title he prefixes to the work insinuates that perhaps even its truths will be called into question.

Moreover, Swift's references throughout the tract risk the possibility of similar inferences. Like Wotton, Kenneth Craven has also identified Toland as a source for Swift's irreligion in the *Tale*, drawing out a parallel between certain passages of *Christianity Not Mysterious* and the *Tale*'s allegory of the perversion of primitive Christianity by a sect of 'sartorists'. For within Chapter 6 of Toland's work, he describes the way in which Christianity, in an effort to appeal to pagan unbelievers disconcerted by 'the plain Dress of the Gospel ... having been accustom'd all their Lives to the pompous Worship and secret Mysteries of Deities without Number' (p. 152), 'likewise set up

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[366] Kenneth Craven, *Jonathan Swift and the Millennium of Madness* (New York: Brill, 1992), p. 138.
[367] William Wotton, *Some Observations upon a Tale of the Tub* (London, 1705), p. 525. For more recent identifications of Toland as a source for irreligion within the *Tale*, see Craven, *Jonathan Swift and the Millennium of Madness*, pp. 17-55.
[368] Reprinted in Gillian Manning, 'The Deist: A Satyr on the Parsons', *The Seventeenth Century*, 8 (1993), 149-60.

for Mysteries'. 'The Garb' of these pagan 'sects', 'their very Habits, as white Linen Stoles, Mitres, and like, were retain'd to bring those, as was pretended, to an imperceptible Change, who could not be reconcil'd to the Christian Simplicity' (p. 156). Swift's *Tale* depicts a similar theme, telling the story of how each of the three brothers were given 'a new Coat' (glossed by Swift as 'the Doctrine and Faith of Christianity') by their 'Father' (God), who on his deathbed provides a 'Will' (Scripture) detailing how the coats are to be sported and conserved plainly and modestly (p. 73).[369] However, in a pastiche of Christianity's descent into idolatry, Swift's brothers (particularly popish Peter) fall prey to the conceited fashions of an ancient sartorist sect and debase their pure robes. Aside from 'their fundamental epistemological split' then, Craven claims, 'Toland's *Christianity* and Swift's *Tale* agree on the simplicity of the Gospel'.[370]

The other figure of irreligion whose presence has been detected within the *Tale* is Hobbes. Swift had declared himself to be writing in opposition to Hobbes' *Leviathan* - a book that 'tosses and plays with all other Schemes of Religion and Government', and 'from whence the terrible Wits of our Age are said to borrow their Weapons' (p. 40). Beginning with Philip Harth in 1961, modern critics have concurred, identifying the *Leviathan* as a target of Swift's satire on account of Hobbes's materialism - his conviction that matter is the only substance in the universe.[371] However, within the *Tale*, as demonstrated comprehensively by Sarah Ellenzweig, Swift also deploys Hobbes with less antagonistic ambitions and in a manner that appears to carry at least suggestions of religious

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[369] Swift, *A Tale of a Tub and Other Works*, ed. Marcus Walsh (Cambridge: Cambridge University Press, 2010).
[370] Craven, '"A Tale of a Tub" and the 1697 Dublin Controversy', *Eighteenth-Century Ireland*, 1 (1986), 97-110.
[371] See principally, Harth, *Swift and Anglican Rationalism* (Chicago: University of Chicago Press, 1961), pp, 75-85. It is well known that three editions of *Leviathan* were listed among Swift's books in 1715, as well as copies of Hobbes's *De Cive* and *Opera Philosophica* (see William LeFanu, A Catalogue of Books Belonging to Dr. Jonathan Swift (Cambridge: Cambridge Bibliographical Society, 1988), p. 21. As David French points out, Swift thus owned more copies of Hobbes than of any other author ('Swift and Hobbes - A Neglected Parallel', *Boston University Studies in English*, 3 (1957), 243-55 (253).

doubt. [372] Hobbes' own contribution to the spread of deism is a complex one.[373] Despite acknowledging that 'none of his treatises are directly level'd against revealed religion' and that Hobbes 'sometimes professeth a Regard to the Scripture as the Word and Law of God', Leland certainly considered him one of the founding fathers of the movement. For 'at other times [he] ridicules Inspiration and Revelation … attempts to invalidate the sacred Canon, and makes Religion and Authority of the Scripture entirely dependent upon Authority of the Magistrate' (p. 40).

As Ellenzweig has documented, it was this apparent mockery of religious inspiration that Swift developed dangerously in the *Tale*, as Wotton was (again) the first to identify, citing Hobbes' 'banter upon in-blowing' in chapter 34 of the *Leviathan* as the 'source behind Swift's satirical reduction of spirit to wind in his account of the aeolists'. For within the *Leviathan*, Hobbes discusses 'the Signification of Spirit' in relation to the dual meanings of the term 'inspiration'. Literally, Hobbes relates, inspiration conveys the physical action of 'blowing into a man some thin and subtle air, or wind, in such manner as a man filleth a bladder with his breath'. However, metaphorically, it refers to the stimulating effect of the divine force on the human mind, 'instructing men in the way of righteous living'. Scripture, Hobbes insists, deploys this latter, figurative sense. As in Gen. 2.7, 'where it is said that God inspired into man the breath of life, no more is meant, than that God gave unto him vital motion'. Likewise, 'when our Saviour breathing on his disciples, said, Receive the Holy Spirit, was that breath the Spirit, but a sign of the spiritual graces he gave unto them'. Highlighting the division between the literal and figurative meanings of inspiration, Hobbes seeks to expose the enthusiastic tendency amongst radical Protestants which led them to read Scripture literally, thereby rendering as ridiculous the sincere allegories intended to move men toward faith. For to say that God, in fact, blows his spirit on or into us is to construe spirit as a sort

[372] Sarah Ellenzweig, *The Fringes of Belief* (Stanford: Stanford University Press, 2008), pp. 83 ff.
[373] See Elad Carmel, 'Hobbes and Early English Deism' in *Hobbes on Politics and Religion*, ed. Laurens van Apeldoorn and Robin Douglass (Oxford: Oxford University Press, 2018), pp. 202-218.

of body 'to be carryed hither and thither'. Hobbes's materialism is, of course, the grounding behind this assertion.

Swift's aeolists represent 'the logical extreme' of Hobbes's account of radical Protestantism's confusion between literal and metaphorical inspiration; for 'whereas the sartorists perceived divine properties in concretely tangible matter - clothes - the aeolists venerate an incorporeal entity [the wind] as a deity'.[374] Following Hobbes and adapting the divine sprit into literal wind, Swift presents the aeolists' claims to inspiration as farcical, ridiculing their inability to perceive that, while wind and spirit share a similar insubstantiality, the former remains a natural, not supernatural, phenomena. Descending into obscenity, Swift composes a parody of Hobbes's enthusiast's belief that the spirit could somehow be 'powred into men, as into barrels'. Having already received an infusion of wind by the aid of 'a Pair of Bellows applied to his … Breech' (p. 153), Swift's aeolist priest enters a 'Barrel' to experience the crescendo of the inspiration process:

> where, having before duly prepared himself …, a secret Funnel is also convey'd from his Posteriors, to the Bottom of the Barrel, which admits new Supplies of Inspiration from a Northern Chink or Crany. Whereupon, you behold him swell immediately to the Shape and Size of his Vessel. In this Posture he disembogues whole Tempests upon his Auditory, as the Spirit from beneath gives him Utterance … It is in this Guise, the Sacred Aeolist delivers his oracular Belches to his panting Disciples; Of whom, some are greedily gaping after the sanctified Breath; others are all the while hymning out the Praises of the Winds; and gently wafted to and fro by their own Humming, do thus represent the soft Breezes of their Deities appeased. (p. 156)

Hobbes's material reduction of the spirit is extended to scatological satire as Swift's wind becomes not merely a 'subtile aire' or 'breath' but bodily gas, from which the aeolists develop the holy talents of belching and farting (pp. 153–54). As with Swift's satire on the sartorists, such an emphasis on the rudely natural roots of the spirit was a perilous tactic, for its logical extension is reached only

[374] Ellenzweig, p. 100.

with the rejection of all claims to supernatural inspiration, not just enthusiastic and superstitious ones. This was Wotton's suspicion from the start - that, although Swift appeared to attack Protestant dissent, 'all extraordinary Inspirations are the Subjects of his Scorn and Mockery' (p. 325).

Thus, we find a confusing co-existence of opposing sentiments in Swift's religious writings. On the one hand, Swift defended the Church as a vital societal and political institution which provided mankind with the principles needed to observe a suitably moral life. He also dismissed the deists' claims as to the capacity of human reason to judge on matters of Christian doctrine or the divine will. Yet, on the other hand, within his satire Swift came dangerously close to insinuating precisely the kind of derision of priestcraft and supernatural inspiration that characterised the freethinkers' writings and their emphasis upon natural law as the basis for morality and religion.

Natural Law in Swift's Irish Tracts

If, however, Swift's religious writings present a mixed account of the law of nature and dependability of human reason, the more confident perspective on these concepts that was expressed by Swift at the culmination of 'On the Trinity' - in which 'the common light of nature as well as reason' is connected with the 'universal sentiments of all civilized nations' - sets the stage for Swift's powerfully positive use of natural law in his tracts upon the political and economic position of Ireland in the 1720s. In these writings, while his compassion for the Irish populace is laced with contempt, Swift nevertheless championed the importance of the Irish people's consent to the laws established by England and national rights with regard to its own trade and economy. He did this with an appeal to reason and the law of nature that recalls the revolutionary arguments used by those radical leaning Whigs - including Tindal - which were examined in the second chapter of this thesis.

The first indications that Swift would come to adopt such arguments in his attempts to reassert the status of Ireland as a non-depending nation - one which, although sharing a monarch with England, retained its own parliamentary sovereignty and the right to pursue its own economic policies - comes in Swift's very first essay on Irish affairs, *The Story of the Injured Lady* (written 1707; published 1746). In this allegory of the Act of Union between Scotland and England, Ireland is the tale's injured lady, who feels unjustly jilted when England takes her less attractive and less faithful rival, Scotland, in marriage. Yet, while framed as 'novelistic' intrigue, the injured lady's laments upon her fickle lover provide a concise and cutting commentary on England's treatment of its quasi-colony and are already suggestive of the weight that will be placed upon the importance of reason within Swift's later, extended and more explicit, tracts. For, in the face of her lover's betrayal, the lady is emphatic in her desire 'to be free from the Persecutions of this *unreasonable* Man', and, in her explication of his impositions as 'insufferable', seeks to 'appeal to you [the reader] or any *reasonable* Person, whether it be so or not' (p. 8) (italics my own).[375] Throughout the essay, Swift stresses the '*unreasonable*' (p. 5) behaviour of England's foil who refuses to be brought to any '*reasonable* terms' (p. 10). While the significance of inflections might appear slight initially, they resonate with the ideological terms of Swift's later polemics on the subject of Irish affairs, in which we begin to see Swift deploy more openly the theory of natural law and its emphasis upon reason as a moral arbiter of political justice.

This note is struck in the first of the major series, *A Proposal for the Universal Use of Irish Manufacture* (1720). The Irish situation was, at that point, particularly acrimonious. The Declaratory Act 'for the better securing of the Dependency of ... Ireland', which affirmed the right of the British Parliament to legislate for Ireland and abolished the appellate jurisdiction of the Irish House of Lords, had just been passed. There had also been, in recent years, very great poverty: 'Whoever travels this country, and observes the face of nature, or the faces and habits and dwellings of the

[375] Swift, *The Story of the Injured Lady* in *The Prose Works of Jonathan Swift*, IX.

natives, will hardly think himself in a land, where law, religion, or common humanity is professed' (p. 21).[376] Aiming to tap into the widespread resentment throughout the country and calling for a boycott of English goods to develop Ireland's economic self-reliance, Swift's tract asks with sardonic irony 'whether a law to bind men without their own consent be obligatory *in foro conscientiæ*' (p. 19). For while

> ... Scripture, Sanderson, and Suarez, are wholly silent on the matter. The Oracle of Reason, the great Law of Nature, and general opinion of civilians, whereever they treat of limited governments, are indeed decisive enough. (p. 19)

The implication is that, under English oppression, Ireland is bereft of the most basic recourse to justice: the universal law of nature and reason. This expression of Ireland's uniquely deprived position is reiterated in an attack on those who, out of either wilful complacency or political self-interest, painted a falsely favourable picture of conditions in Ireland in the *Short View on the State of Ireland* (1728). Here, Swift once again rails against the unnatural deprivation forced upon Ireland through England's tyranny: 'If we do flourish, it must be against every Law of Nature and Reason; like the Thorn at Glassenbury, that blossoms in the Midst of Winter'.[377] Swift is at once gesturing towards the woeful state of Irish agriculture and proclaiming the wider condition enforced upon Ireland to be a dereliction of nature's laws. The theme of anti-naturalness in relation to Ireland's poverty returns again with force in Swift's unfinished pamphlet 'Maxims Controlled in Ireland' (written 1729; published 1765), a list of all those 'maxims' of general application that are 'controlled' (i.e. confuted) in Ireland:

> Yet all these maxims do necessarily presuppose a kingdom, or commonwealth, to have the same natural rights common to the rest of mankind, who have entered into civil society: for, if we

[376] Swift, *A Proposal for the Universal Use of Irish Manufacture* in *The Prose Works of Jonathan Swift*, IX.
[377] Swift, *Short View on the State of Ireland* in *The Prose Works of Jonathan Swift*, XII, p.10.

> could conceive a nation where each of the inhabitants had but one eye, one leg, and one hand, it is plain, before you could institute them into a republick, that an allowance must be made for those material defects, wherein they differed from other mortals.[378]

The condition of Ireland made its people as distinct from ordinary humanity as if they lacked the proper quota of arms and legs.

Natural law was also a substantial underlying premise in Swift's most sustained campaign on the Irish issue, the *Drapier's Letters* (1724-5), which developed a more openly assertive stance regarding Ireland's natural and national rights. For although this series of pamphlets was provoked by the Crown's move to introduce copper halfpence into Ireland via a minting patent granted to William Wood (after a huge bribe had been paid to King George's mistress), the *Letters* were focused less upon the unsatisfactory coin as a material object and more on what the constitutionally suspect way it was introduced implied about Ireland's legal standing within the three kingdoms. Behind the pseudonymous (or quasi-pseudonymous) character of "M. B. Drapier", and the diversions that persona afforded, Swift unleashes a critique of England's damaging and immoral stranglehold on Irish affairs. In so doing, Swift draws upon the remit of the law of nature, and the rights it conferred upon any free nation, to condemn England's conduct. As with Swift's allegorical injured lady, the Drapier, albeit in significantly more humble and self-deprecating tones, claims (despite his low status and obscurity) to be the voice of reason speaking for his countrymen. Addressing himself in the third letter to the 'Nobility and Gentry' of Ireland in response to a report by the Privy Council regarding 'Mr Wood's Half-Pence and Farthings', the Drapier defends his public interjection accordingly:

> This (may it please your lordships and worships) may seem a strange way of discoursing in an illiterate shopkeeper. I have endeavoured (although without the help of books) to improve

[378] Swift, *Maxims Controlled in Ireland* in *The Prose Works of Jonathan Swift*, XII, p. 131.

> that small portion of reason God has been pleased to give me; and when reason plainly appears before me, I cannot turn away my head from it. Thus for instance, if any lawyer should tell me that such a point were law, from which many gross palpable absurdities must follow; I would not, I could not believe him. (p. 28)
>
> How shall I, a poor ignorant shopkeeper, utterly unskilled in law, be able to answer so weighty an objection? I will try what can be done by plain reason, unassisted by art, cunning, or eloquence. (p. 29)[379]

For, while the Drapier denies ('the direct contrary') that there are any edicts within the common law permitting 'that a limited prince, could, by his prerogative, oblige his subjects to take half an ounce of lead, stamped with his image, for twenty shillings in gold', the tenets of reason alone should suffice to declare it impossible simply 'because a power like that, would leave the whole lives and fortunes of the people entirely at the mercy of the monarch' (p. 28) - a condition insupportable in any free nation. With a blend of indignation and patriotism, the Drapier continues with an onslaught of rhetorical questions reminiscent of Shakespeare's Shylock to expose the hypocrisy of Ireland being subjected to an offence that would be intolerable to 'our brethren in England':

> Were not the people of Ireland born as free as those of England? How have they forfeited their freedom? Is not their parliament as fair a representative of the people as that of England? And has not their privy council as great, or a greater share in the administration of publick affairs? Are not they subjects of the same king? Does not the same sun shine upon them? And have they not the same God for their protector? Am I a freeman in England, and do I become a slave in six hours by crossing the channel? (p. 31)

On these grounds, while the Drapier graciously concedes that 'Wood has liberty to offer his coin', the Irish people 'have law, reason, liberty, and necessity to refuse it' (p. 45).

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[379] *The Drapier's Letters* in *The Prose Works of Jonathan Swift*, X.

The Drapier's fourth letter to 'The Whole People of Ireland' espouses Irish liberty in a still more provocative vein, and one which gradually makes explicit Swift's desire to draw upon natural law theory and the radical strain of its political history. Seeking to both reassure and rouse his 'Dear Countrymen' in the face of rumours promising punishment from England for their alleged disobedience, the Drapier cites 'the famous Mr. Molineux' to substantiate the case that 'all government without the consent of the governed is the very definition of slavery' (p. 63). The experimental philosopher and constitutional writer, William Molyneux, was the author of one of the period's most influential works of Irish political thought, *The Case of Ireland's being Bound by Acts of Parliament in England* (1698). Here, drawing extensively on the writings of 'my Excellent Friend, JOHN LOCKE, Esq' (p. 27) as well as Grotius and Hooker, Molyneux repeatedly rested his case for Ireland's freedom to exercise its political will on the rights conferred on all mankind by 'the Law of Nature and Reason' (p. 113).[380] 'Liberty', he wrote, 'seems the Inherent Right of all Mankind; and on whatsoever Ground any one Nation can Challenge it to themselves, on the same Reason may the Rest of Adam's Children Expect it' (p. 3) – 'how far this is the Case of Ireland' then, 'no Man of Common Sense or Justice … None that has ever Consider'd the Law of Nature and Nations, can possibly hesitate on this matter' (p. 28). As for the right of man to be 'subject Only to such Laws to which Men give their own Consent' (p. 48), this too, Molyneux avers, 'is so inherent to all Mankind, and founded on such Immutable Laws of Nature and Reason, that 'tis not to be Alien'd, or Given up, by any Body of Men whatsoever' (p. 113). Molyneux concluded that 'That Ireland should be Bound by Acts of Parliament made in England, is against Reason, and the Common Rights of all Mankind' (p. 150). Swift's Drapier echoes these sentiments entreating the Irish gentry to 'see, that by the laws of God, of nature, of nations, and of your country, you are and ought to be as free a people as your brethren in England' (p. 63).

[380] William Molyneux, *The Case of Ireland's being Bound by Acts of Parliament in England* (1698).

The Drapier's fifth letter continues to position itself in reference to the early Whigs' radical strain of natural law language. This epistle was addressed to Robert Molesworth, whom Swift had once touted as 'the worst' of the 'very bad' Whig Privy Councillors, but who had more recently endeared himself to Swift with his patriotic publication on Ireland, *Considerations for Promoting Agriculture* (1723). A persistent defender of parliamentary liberty and an anticlerical advocate of religious toleration, Molesworth was acquainted with Tindal and Collins, and had been intimate with Toland since the early 1700s.[381] Sharing not only political but literary ambitions, Molesworth had even hoped to persuade Toland to collaborate on a 'history of the late wars'; meanwhile Toland had certainly seen a now lost work of Molesworth's resembling 'so nearly Cicero's *de respublica*'.[382] We also know that Molesworth, like his deist friends, was an admirer of Confucius, recommending his morals for a more thorough reading to a student who had only 'dipped into' them.[383] Like his connections, Molesworth's own works also drew on 'nature' and 'reason' to support his claims. His *Account of Denmark* (1693), a philippic against the Danish monarchy, promoted with enthusiasm 'that natural love of Liberty', which necessitated a contractarian concept of government, idealised the virtue of the Roman republican tyrannicides and reviled 'priestcraft' in all its forms.[384] Similarly, Molesworth's preface to his translation of François Hotman's *Francogallia* (1573) declared all ignorant 'Adorers of absolute Monarchs' to be 'unjust to his Country, and to right Reason', vouching that the 'People of England [never] took up Arms against their Prince, but when constrain'd to it by a necessary Care of their Liberties and true Constitution'.[385] Swift has his

[381] The manuscript letters are in British Library Additional Mss 4465, Collection of Letters and Papers of John Toland, folios 19, 21, 23, 27, 29, 36, 37.
[382] Toland, *Collections* (1726), II, pp. 489, 492.
[383] Historical Manuscripts Commission, *Report on Manuscripts in Various Collections*, vol. 8 (1913), pp. 366–67, November 1723.
[384] Robert Molesworth, *Account of Denmark* (1693), p. 264.
[385] François Hotman, *Franco-Gallia*, trans. Robert Molesworth (1721), pp. i-x. Molesworth's translation of Hotman's *Francogallia* was completed in 1705 and published in 1711. However, it did not include Molesworth's original editorial preface, which was considered too provocative. The preface - later referred to as *The Principles of a Real Whig* - was finally published in the complete edition of 1721 and 'became a clarion call for the commonwealth tradition in the eighteenth century' (Justin Champion ed., 'Introduction' in *An Account of Denmark* (Indianapolis: Liberty Fund, 2011), p. xxx.

Drapier remark with teasing indignation at the 'severe treatment' he received for his own writings when 'your lordship has said and writ fifty times worse' (p. 87). And Swift continues to expose the hypocrisy of England's treatment of the Irish in the face of its historical promotion of mankind's native liberty with the Drapier's personal account of his return to Ireland after a period of residence in London:

> Upon my return and settlement here, I thought I had only changed one country of freedom for another. I had been long conversing with the writings of your lordship, Mr. Locke, Mr. Molineux, colonel Sidney, and other dangerous authors, who talk of liberty as a blessing, to which the whole race of mankind has an original title; whereof nothing but unlawful force can divest them ... I ever thought it the most uncontrolled and universally agreed maxim, that freedom consists in a people's being governed by laws made with their own consent; and slavery, in the contrary. I have been likewise told, and believed it to be true, that liberty and property are words of known use and signification in this kingdom; and the very lawyers pretend to understand and have them often in their mouths. These were the errours, which have misled me; and to which alone I must impute the severe treatment I have received. But I shall in time grow wiser, and learn to consider my driver, and the road I am in, and with whom I am yoked. (p. 87)

Citing the most prominent advocates of Whiggish natural law arguments during the heated debates of the exclusion crisis and later the Glorious Revolution, the Drapier's belligerently ironic repentance at his 'foolish' appeal to 'the common rights of mankind, without considering the climate I was in' (p. 93) savages England's betrayal of its own political values. In reality, the Drapier would 'die rather than grant' that 'there be any such thing as a dependency of Ireland upon England, otherwise than as I have explained it, either by the law of God, of nature, of reason, of nations, or of the land' (p. 87). However, proclaiming regretful resignation to his inevitable fate, the Drapier purges himself of all reminders of freedom:

> I have lately sold my nag, and honestly told his greatest fault, which was that of snuffing up the air about Brackdenstown; whereby he became such a lover of liberty, that I could scarce hold him in. I have likewise buried at the bottom of a strong chest your lordship's writings under a heap of others, that treat of liberty; and spread over a layer or two of Hobbes, Filmer, Bodin, and many more authors of that stamp, to be readiest at hand, whenever I shall be disposed to take up a new set of principles in government. (pp. 93-4)

Swift's politics is, of course, one of the most contentious areas in contemporary scholarship. Many different accounts exist of where Swift's loyalties lie in terms of his adherence to the political parties and ideologies of his day, and have characterised him variously as a Whig, 'Old Whig', Tory, or Jacobite.[386] Swift's attitude towards natural law certainly exposes the difficulties in trying to place Swift neatly within any party's conventional mould. For he outwardly defended Anglicanism against the deists' calls for the reestablishment of a religion of nature, expressing a distaste for toleration worthy of any typical Tory, and vilified deism as simply political propaganda aimed at furthering the Whig cause. Yet the deistic sources for some of his satires suggest the possibility that Swift himself harboured inner reservations regarding revealed religion, and his utilisation of natural law to demand for Ireland 'those rights, which are the natural and undoubted inheritance of mankind' was openly influenced by the 'Old Whig' principles that had underpinned the Revolution and with which the deists were allied.

Gulliver's Travels, Part IV

[386] For Swift as a Whig, see J. A. Downie, *Jonathan Swift* (London: Routledge & Kegan Paul, 1984). For Swift as a Tory, see F. P. Lock, *The Politics of Gulliver's Travels* (Oxford: Clarendon, 1980) and *Swift's Tory Politics* (Newark: University of Delaware Press, 1983); and Isaac Kramnick, *Bolingbroke and His Circle* (Cambridge, MA: Harvard University Press, 1968), pp. 202–17. Ian Higgins offers a suggestive, if inconclusive, argument that Swift's writing expresses Jacobite "velleities" if not a fully committed Jacobitism, in *Swift's Politics* (Cambridge: Cambridge University Press, 1994).

The remainder of this chapter will argue that the notoriously divisive Part IV of *Gulliver's Travels* is informed by the debates surrounding natural law and deism, as well as Swift's own complex engagement with them.[387] It will claim that the land of the Houyhnhnms becomes the site where Swift's diverse and conflicting instincts regarding reason and the law of nature both condense and coalesce. For in Swift's race of supra-rational horses (a parodic choice given the animal's traditional association with the passions) he is permitted to recognise, under the guise of the imaginary, the appeal of the deists' utopian vision of a society governed solely by natural law, without any need of recourse to overt theological instruction. In so doing, as was first outlined by Gerald J. Pierre, Swift draws multiple marked parallels with Temple's descriptions of China in his essay, *On Heroic Virtue*.[388] Yet, in the form of the repulsive Yahoos, Swift's narrative retains a lingering awareness of the infeasibility of the practical implementation of this theoretical template upon a species whose 'natural' impulses are often far from the noble rationality innate to the Houyhnhnms - an awareness which gestures back to Swift's fears of the moral danger of rejecting the edicts of the Church.

The literary project that would eventually become *Gulliver's Travels* was conceived initially by the group of writers and wits that comprised the Scriblerus Club, a collective including Swift, John Gay, Alexander Pope and John Arbuthnot. The prototype traveller of the narrative - the club's invented persona, Martinus Scriblerus - was originally intended not to visit the fictitious realms that Gulliver frequents, but lands that were (however smothered by legend) a good deal closer to home. The advertisement for the work announced:

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[387] Since its publication, Part IV of *Gulliver's Travels* - particularly the significance of the Houyhnhnms - has divided critics, with opinion being consolidated in the twentieth century into two opposing schools of interpretation (see James L. Clifford, 'Gulliver's Fourth Voyage: 'Hard' and 'Soft' Schools of Interpretation' in *Quick Springs of Sense*, ed. Larry S. Champion (Athens, Ga.: University of Georgia Press, 1974), pp. 33-49). Although this chapter will not make an explicit intervention within this debate, it will become evident to the reader that the suggestions which are made regarding the significance of deistical thought within Part IV sit more comfortably within the so-called 'hard' school of thought, albeit stressing humanity's inability to imitate the Houyhnhnms' faultless rationality.

[388] Gerald J. Pierre, 'Gulliver's Voyage to China and Moor Park: The Influence of Sir William Temple upon *Gulliver's Travels*', *Texas Studies in Literature and Language*, XVII:2 (1975), 427-37.

> There will be publish'd with all convenient speed, the SECOND BOOK of these Memoirs, Being the TRAVELS of M. SCRIBLERUS, Vindicated to their True Author. And the THIRD BOOK never before publish'd, Containing his Journey thro' the desarts of Nubia to the Court of Æthiopia: His Friendship with the Bishop of Apamœa, and their Joint Voyage upon Cunturs [condors], to China; with an account of all the hidden Doctrines of Religion, and the refined Policy of those Empires.[389]

If, when the main composition of Gulliver's travels began around the end of 1720, Swift had eliminated the idea of incorporating China literally into the catalogue of visited countries, the nation (or at least the deists' tailored version of it) remained metaphorically present, and Swift was no less attentive in expounding its 'hidden Doctrines of Religion' for this change of approach. For, from the outset of Swift's depiction of the final realm to which Gulliver voyages, the fantastical land of the Houyhnhnms bears remarkable resemblances to Temple's praise of China as 'Virtue's *Terra Incognita*', as well as to the broader deistical vision that became associated with that tribute. Through these parallels, the race of the Houyhnhnms becomes Swift's own reimagining of Temple's perfectly rational *literati* and the embodiment of the ideal of a self-sufficient law of nature capable of governing society justly without any need for revealed religious doctrine. Most crucially, Swift presents this deistic realm as an enviably noble and consistent community, devoid of the political ills that beset lesser nations, and in which Gulliver is comically desperate to assimilate himself.

From Gulliver's first encounter with the Houyhnhnms, Swift's depiction of their moral philosophy establishes its predication upon the rational laws of nature in a manner analogous to the model described by Temple and his deist followers. For where in summarising Confucianism, Temple observed:

> The chief principle he seems to lay down for a foundation, and builds upon, is, that every man ought to study and endeavour the

[389] John Arbuthnot et al., *Memoirs of the Extraordinary Life, Works, and Discoveries of Martinus Scriblerus*, ed. Charles Kerby-Miller (New Haven: Yale University Press, 1950), p. 172.

> improving and perfecting of his own natural reason to the greatest height he is capable, so that he may never (or seldom as can be) err and swerve from the law of nature, in the course and conduct of his life. (p. 177)

Likewise, Gulliver recounts the central precepts of his Houyhnhnm masters in much the same terms, declaring:

> As these noble *Houhynhnms* are endowed by Nature with a general Disposition to all Virtues, and have no Conceptions or Ideas of what is evil in a rational Creature, so their grand Maxim is, to cultivate *Reason*, and to be wholly governed by it. (p. 401)[390]

Temple goes on to say that Confucius requires study and philosophy:

> Which teaches men what is good and what is bad, either in its own nature or for theirs; and consequently what is to be done, and what is to be avoided, by every man in his several station or capacity. That in this perfection of natural reason consists the perfection of a body and mind, and the utmost or supreme happiness of mankind. (p. 182)

Similarly, with the very word Houyhnhnm meaning 'the Perfection of Nature', it follows that Gulliver's Houyhnhnm master cannot understand Gulliver's discussion of European law, thinking 'Nature and Reason were sufficient Guides for a reasonable Animal, as we pretended to be, [in] showing us what we ought to do, and what to avoid' (p. 368). Above all other forms of moral knowledge, Gulliver's horses cultivate natural reason as the means to direct their actions and conduct. They are a fictional realisation of the deists' vision of a humanity, which, when freed from the corruptions of custom, was capable of achieving a perfect rationality wholly sufficient for the requirements of morality and happiness. As Tindal put it, 'happiness of all beings whatever consists in the perfection of their nature; and the nature of a rational being is most perfect when it is

[390] Swift, *Gulliver's Travels*, ed. David Womersley (Cambridge: Cambridge University Press, 2012).

perfectly rational; that is, when it governs all its actions by the rules of right Reason'. In Houyhnhnmland, the supremacy of natural reason within the population produces a society whose peace is unspoilt by conflict and faction. Much as Temple observed that the perfect practice of natural law amongst the Chinese vanquished all presence of the 'doubts and disputes, heats and feuds, animosities and factions in all controversies of religion or government' (p. 179) that so troubled European nations, so Gulliver observes: 'that Controversies, Wranglings, Disputes, and Positiveness in false or dubious Propositions, are Evils unknown among the *Houyhnhnms*'. The Houyhnhnms lack even a word to express the meaning of 'opinion' since 'Reason taught us to affirm or deny only where we are certain'. After, as Gulliver relates, the bloody wars that blighted the seventeenth century (none 'so furious and bloody ... as those occasioned by difference in opinion' (p. 363)) and the proclivity of society to install positive laws wholly against 'the general reason of mankind', the appeal of such happy unanimity was plain.

Moreover, within Houyhnhnm society, sincere and simple virtue triumphs above outward display. As Gulliver reports:

> *Friendship* and *Benevolence* are the two principal Virtues among the *Houyhnhnms*, and these not confined to particular Objects, but universal to the whole Race .... They preserved *Decency* and *Civility* in the highest Degrees, but are altogether ignorant of *Ceremony*. (p. 403)

Swift's pointed reference to '*Ceremony*' recalls the deists' views that 'there was nothing so opposite as Ceremony' to religion as it was decreed by the law of nature. Equally, his focus upon '*Civility*' appears again to parallel Temple's summary of the Chinese edict, which, for the perfection of natural reason, 'prescribed the constant course and practice of the several virtues, known and agreed so generally in the world; among which, courtesy or civility and gratitude are cardinal with them' (p. 178). Furthermore, in both Houyhnhnmland and Temple's China, virtue is the single basis for distinguishing persons. Temple was echoing a time-honoured element of the European myth of

China when he reported: 'Honour and respect is no where paid to nobility and riches so much as it is here to virtue and learning, which are equally regarded both by the Prince and the People' (p. 191). Similarly, Gulliver relates that in Houyhnhnmland 'it is *Reason* only that maketh a Distinction of Persons, where there is a superior Degree of Virtue' (p. 404), unlike within his own nation, where preferment depends principally upon a 'violent desire of wealth, power, and titles' (p. 382) and a concomitant capacity for deception. Centred on the idea of cultivating reason, in both realms virtue alone becomes the measure by which their inhabitants are judged. Gulliver's Houyhnhnm master highlights the crucial relationship between reason and virtue, observing that the inferior European 'Institutions of *Government* and *Law* were plainly owing to our gross Defects in *Reason*, and by consequence, in *Virtue*; because *Reason* alone is sufficient to govern a *Rational* creature' (p. 390). Much as the deists asserted that reason was the only faculty necessary to attain true moral knowledge, and as Swift's 'poor ignorant' Drapier drew his moral authority from the arguments of 'plain Reason', for the Houyhnhnms too, virtue is a consequence of reason 'alone'. By stressing the idea that reason was 'sufficient' in this regard, Swift alerts the reader to the absent aspects of this society - most notably, any form of revealed theology. Through Gulliver and the Houyhnhnms, Swift has crystallized the argument of Temple and the deists that followed him. If human beings are rational animals, and virtue is a consequence of reason, then humans attain virtue through reason, and therefore Christianity is unnecessary. As the deists had proclaimed, 'by living according to the rules of right Reason', 'at all times his [man's] virtue will be uniform, and every place, every emergency will find him the same', without any revealed assistance.[391]

Of course, the most distinctive characteristic of Gulliver's Houyhnhnms is that they are capable of acting, as the deists proclaimed all humanity could do, in accordance with pure reason and natural law alone, unimpeded by the interference of 'all those vicious Dispositions and Passions' that made mankind susceptible to vice, mystery and priestcraft. However, within Swift's

[391] Tindal, *Christianity as Old as Creation*, p. 62.

narrative, Gulliver comes to the realisation that rather than being able to integrate within this arcadia of natural reason as a fellow Houyhnhnm, his true counterpart is in fact the repugnant slave race of Yahoos - brutish, wild and depraved. The experience is one of crushing regret:

> Being one day abroad with my protector the sorrel nag, and the weather exceeding hot, I entreated him to let me bathe in a river that was near. He consented, and I immediately stripped myself stark naked, and went down softly into the stream. It happened that a young female *Yahoo*, standing behind a bank, saw the whole proceeding, and inflamed by desire, as the nag and I conjectured, came running with all speed, and leaped into the water, within five yards of the place where I bathed. I was never in my life so terribly frightened. The nag was grazing at some distance, not suspecting any harm. She embraced me after a most fulsome manner. I roared as loud as I could, and the nag came galloping towards me, whereupon she quitted her grasp, with the utmost reluctancy, and leaped upon the opposite bank, where she stood gazing and howling all the time I was putting on my clothes.
> This was a matter of diversion to my master and his family, as well as of mortification to myself. For now I could no longer deny that I was a real *Yahoo* in every limb and feature, since the females had a natural propensity to me, as one of their own species. (pp. 400-1)

If up to now Swift has offered a covert homage to Temple's and the deists' vision of society, he now begins to tease out wryly the complexities and discrepancies within the concept of 'nature' upon which that vision depended. For the 'natural propensity' of the female Yahoo is not the kind of 'natural' inclination envisaged in the ideal, rational order of natural law inhabited by the Houyhnhnms and Chinese *literati*, or which was proclaimed possible by the deists. In this usage, 'natural' is concerned with the impulses and drives of the human body, and what is (humiliatingly) a 'natural' occurrence for Gulliver is not 'natural' for his unafflicted Houyhnhnm companion, the sorrel nag, who could never be subject to such 'unnatural [for the Houyhnhnms' nature] appetites'.[392]

[392] The religious aspect to this distinction is obvious. As John Richardson has written, while the Houyhnhnms represent a deistical ideal achieved only through pure rationality, the Yahoos are 'a Christian reality that can

This same tension - between nature as defined by Houyhnhnms and the degenerate and base nature of the Yahoos and humanity, between nature as dispassionate reason and as something entirely more visceral and primitive - is also present in Gulliver's protest in the letter to Sympson at the fact he has been charged with 'degrading human Nature, (for so they have still the Confidence to stile it)' (p.11). Gulliver's remark suggests that the very idea of human 'nature' is a contradiction, so far removed are humanity's impulses and appetites from the true ideal of that concept as embodied by the Houyhnhnms. However, Gulliver continues to speak of humanity's 'natural corruptions', narrating for example that the master Houyhnhnm told him:

> That, although he hated the Yahoos of this Country, yet he no more blamed them for their odious Qualities, than he did a Gnnayh (a bird of Prey) for its Cruelty, or a sharp Stone for cutting his Hoof. But, when a Creature pretending to Reason, could be capable of such Enormities, he dreaded lest the Corruption of that Faculty might be worse than Brutality itself. He seemed therefore confident, that instead of Reason, we were only possessed of some Quality fitted to increase our natural Vices. (p. 367)

The Gnnayh in this passage is an echo of the kite that Swift refers to in his letter to Pope of 26th November 1725 in which he departed from his previous position and denied misanthropy: 'I tell you after all that I do not hate Mankind, it is vous autr[e]s who hate them because you would have them reasonable Animals, and are Angry for being disappointed' (III, p. 188),

> I have always rejected that Definition and made another of my own. I am no more angry with – – – [the blank is usually held to refer to Walpole, the prime minister] th[a]n I was with the Kite that last week flew away with one of my Chickins and yet I was pleas'd when one of my Servants shot him two days after. (III, p. 188)

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be improved only through grace', 'Christian and/or Ciceronian Swift and Gulliver's Fourth Voyage', *The Cambridge Quarterly*, 30:1 (2001), 37-49 (45).

Drawing the analogy between humankind and the kite, Swift claims to hate neither because they are both incapable of behaving better. However, in the Houhyhnhnm master's exposition, while the Yahoos escape blame for this very reason, owing to humanity's use of reason 'to increase our natural Vices', we cannot be similarly excused. As such, in *Gulliver's Travels*, it is not only 'nature' which becomes a compromised term, but 'reason' itself, which humanity can seemingly corrupt and debase for its own ends. This destabilising perversion of reasoning repudiates the deists' most profound attack upon their critics, those who 'through the very attempt to destroy Reason by Reason' demonstrated 'men have nothing but Reason to trust to'.[393] While Swift's Houyhnhnms suggest he was capable of perceiving the appeal of the deists' arguments, even acknowledging their vision of society to be preferable, nevertheless he seems not to have believed that it was possible for humanity to achieve a such a condition.

In spite of his realisation of his baser instincts, Gulliver perseveres in his conviction that humanity might yet be improved - a delusion which, for all its comedy, retains a subtle sense of pathos. For, following Temple and the deists' suggestions for the ways in which Europe might learn from the Chinese – 'slipping as we are into ever greater corruption, [it] seems to me such that we need missionaries from the Chinese who might teach us the use and practice of natural religion' - Gulliver too imagines the evangelical role his own rational paragons might play.[394] As Gulliver avers, instead of condoning,

> proposals for conquering that magnanimous nation, I rather wish they were in a capacity or disposition to send a sufficient number of their inhabitants for civilizing Europe, by teaching us the first principles of honour, justice, truth, temperance, public spirit, fortitude, chastity, friendship, benevolence, and fidelity. (p. 440)

[393] Tindal, *Christianity as Old as Creation*, p. 158.
[394] Gottfried Wilhelm Leibniz, *Novissima Sinica*, trans. Donald Lach, in Daniel Cook and Henry Roosevelt Jr. eds., *Writings on China* (Chicago: Open Court, 1994), p. 50.

However, exiled from Houyhnhnmland as the potential catalyst for an insurrection from the soon-to-be exterminated Yahoos, Gulliver returns to his native land alone. Here, filled with 'hatred, disgust and contempt' for his family of 'odious animal[s]', he recreates his own Houyhnhnmland in the form of a stable, with whose inhabitants, 'two young stone-horses', he converses for 'at least four hours every day'. His purpose in publishing his narrative of his adventures, we learn, was a hope that they might be an educational tool for the cause of reform. Yet Gulliver discovers upon their publication that: 'instead of seeing a full Stop put to all Abuses and Corruptions ... as I had Reason to expect: Behold, after above six Months Warning, I cannot learn that my Book hath produced one single Effect according to mine Intentions' (p. 10). Contrary to the deists' claims that if only humanity would throw off the shackles of revealed religion and live according solely to the laws of nature perfect happiness would ensure, the conclusion to Swift's tale appears to indicate that for all the promise of such a vision, its practical result was the indictment of misery and misanthropy so frequently laid at his own door. Initially one of the few great 'Lovers of Mankind' (p. 343) - as Temple described Confucius (p. 179) - Gulliver is left with only revulsion for the species of which he was, regretfully, one.

Finally, then, I would argue that Part IV of *Gulliver's Travels* can be read productively as a fictional exploration of Swift's own complicated engagement with the deists' vision of what humanity could achieve if it might only reject revealed religion and live solely by reason and the law of nature. Through the manifold parallels between Houyhnhnmland and Temple's deistic depiction of China, Swift is able to express an undisclosed admiration for their ideal, which chimes with his political emphasis on the law of nature when soliciting reasonable justice for the Irish. Yet Part IV is simultaneously an acknowledgement and repudiation of the deists' claims, a reflection of Swift's inner division and the summation of that tendency within his writings. For the unwelcome intrusion of the Yahoos, both viscerally repulsive and unmistakably kindred, is the figurative manifestation of Swift's profound mistrust of humanity's motivations and belief in the necessity of

a Church whose moral doctrines (and their interpretation) are not open to the abuse of humanity's imperfect reason.

Conclusion

The significance of natural law theory during the seventeenth and early eighteenth centuries has long been subject to extensive scrutiny by scholars of political history and the history of philosophy, and the value of this thesis does not lie in its contribution of a new or disruptive argument regarding the theory's overarching constitution or meaning. Where this thesis does intervene, innovatively and importantly, is through its detailed exploration of the pervasiveness and divisiveness of natural law philosophy within the political literature of the period - of which it is the first full-length examination. Charting the key areas of the discourse's impact within the literary sphere through four connected but discrete studies, it brings together an extensive range of material to illuminate original aspects and nuances of both the diverse historical application of natural law and the creative writers who engaged with and utilised that concept.

The first chapter analyses the influence of the Roman neo-Stoic natural law tradition within arguments for popular sovereignty across early modern Europe, tracing a lineage that runs from Cicero's philosophy of the Roman republic, through to Hugo Grotius' theories regarding the just conduct of nation states, and John Milton's public justifications of the regicide of Charles I. In so doing, it challenges the long-standing scholarly dichotomy between the discourses of civic republicanism and juristic liberalism, outlining an alternative history in which the development of these two allegedly competing ideologies was consistently intertwined, primarily through the legacy of Cicero's writings. It also enriches our understanding of the contexts, sources, and moral emphasis of Milton's political writings, as well as their own contemporary reception, showing how

Milton's arguments eventually came to be cited in criticism of Cromwell, and elucidating in a fresh light the repercussions this held for Milton's own relationship with the Protectorate and his portrayal of natural law in *Paradise Lost*.

The second chapter considers the use of natural law in the context of the Exclusion Crisis and Revolution of 1688, drawing together and explicating the complex backdrop of debates regarding the law and state of nature that characterised the political and philosophical conversation surrounding these events. Placing the writings of John Dryden within this ideological framework for the first time, it demonstrates the unrecognised extent to which Dryden was influenced by the theory of natural law and capitalised upon its diverging interpretations within his poetry - both in his early efforts to champion monarchical absolutism and later in exile to the seemingly opposite conclusion, as he appears covertly to defend Queen Mary's 'female parricide' in his translations of Chaucer and Boccaccio. Consequently, the chapter radically complicates traditional assessments of Dryden's political ideology and allegiances, as well as his view of the purpose of poetry, following the Revolution.

The third study shifts to a religious focus, demonstrating the importance of the idea of the law of nature within early Restoration debates regarding the religious liberty of Protestant nonconformists. It breaks new ground by concentrating on the arguments put forward by Latitudinarian Anglican apologists regarding the respective jurisdictions of 'nature' and 'grace' within Christianity, and their dependence upon sources from within the natural law tradition - principally, St. Thomas Aquinas, and the Elizabethan theologian, Richard Hooker. It culminates with a discussion of the impact of this line of defence upon John Bunyan's *Pilgrim's Progress*, and its literary afterlife in the form of an inauthentic *Third Part* (1693). The chapter deepens, in new and exciting ways, recent scholarly discussions regarding the fundamental relationship between the law of nature and the progression of toleration during the enlightenment, particularly the persecutory history of the concept.

The fourth and final chapter continues and develops this religious emphasis, illustrating the influence of the natural law tradition, and Cicero in particular, upon the central deistical writers of the early 1700s: John Toland, Anthony Collins, and Matthew Tindal, as well as Sir William Temple and Viscount Bolingbroke. It proceeds to analyse Jonathan Swift's conflicted attitude towards the deist's vision of natural law through his writings in defence of the Anglican Church and his political tracts in defence of Irish sovereignty, before using this reading as a new lens through which to read Part IV of *Gulliver's Travels*. It develops, therefore, our sense of the continued importance of Cicero's writings on natural law during the early eighteenth century, as well as providing a more robust understanding of the intellectual struggle behind Swift's ambiguous range of attitudes towards nature, reason and religion.

The richness and diversity of these engagements with the philosophy of natural law exhibits that for all its ostensible simplicity as an idea - that of an innate moral code grounded in reason - its political and literary interpretation was anything but. Yet they also reveal the potent appeal of that idea and its contribution to some of the most fundamental, fraught, and well-studied ideological debates of the period. What has remained outside the scope of this thesis is the perhaps even more complicated afterlife of natural law as the eighteenth century progressed - in particular, how it informed the enlightenment theories regarding the roles of reason and passion, influencing writers from Hutcheson to Hume. This thesis is hopefully an interesting and unique starting point for that future work, as well as a spur towards further exploration and recognition of the literary significance of natural law at this high-water mark of its reception history.

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