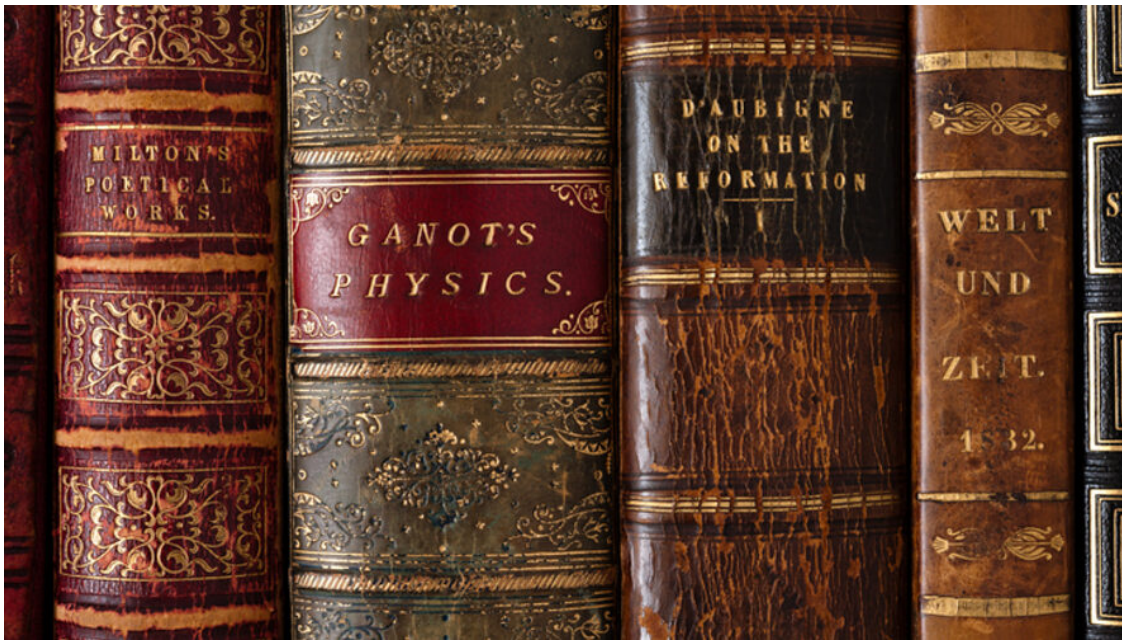


JOHN MILTON ON FREE SPEECH, NATURAL RIGHTS, AND REGICIDE

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Milton argued that the state is not some quasi-divine entity ordained by God but is instead an organization legitimized by the consent of the governed.



JOHAN MILTON IS FAMOUS FOR WRITING THE EPIC PARADISE LOST (<http://www.gutenberg.org/ebooks/20>). Written in the 17th century, when Milton was aged 60 and towards the end of his life, it recounts the biblical story of humanity's expulsion from the Garden of Eden due to Satan's influence. Impressively Milton wrote this entire masterwork while blind. He was forced to dictate his poetry daily to several scribes who would transcribe his verse. He is regarded as one of the most important literary figures of the English language.

While Milton first and foremost considered himself a poet, he also had a career as a political pamphleteer in which he articulated a liberal philosophy based upon natural rights and emphasizing the right of revolution.

MILTON'S EARLY LIFE

Milton was born in London, England on December 9th, 1608. Milton's father (also John Milton) had been disinherited by his father for abandoning Catholicism and adopting the Protestant faith. Milton's father made a prosperous living as a scrivener, which allowed Milton to study Latin and Greek at St. Pauls School in London, after which, in 1625, he

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attended Christ's College Cambridge and was ranked highly among its students. Intending to enter the priesthood Milton stayed on an extra year at Cambridge to earn a master of arts degree. Milton disdained the university curriculum which he believed was based around obtuse debates on esoteric topics conducted entirely in Latin. Milton spent an additional six years in Berkshire studying philosophy, theology, literature, and science. In 1638 he embarked on a tour of Europe meeting the intellectuals of his day, such as Hugo Grotius, and observing the republican city-states of Italy.

DIVORCE CONTROVERSY

Milton returned home in 1639 and began writing on religious topics--he favored the Puritan cause--while teaching as a schoolmaster. In 1643, he became engaged to the 16-year old Mary Powell. After a month of living together, Mary moved back home, and, due to the outbreak of the English Civil War (<https://www.libertarianism.org/encyclopedia/english-civil-wars>), she was unable to return. Milton began to ponder the possibility of divorcing his young bride. However, English law forbade this; divorce was only to be pursued on the grounds of infidelity, impotence, or cruelty.

Over three years and in a number of pamphlets, Milton argued that Christian scripture did not forbid divorce on the grounds of incompatibility. In short, he advocated for what we today call no-fault divorce, a highly controversial topic at the time; it provoked the ire of many religious authorities who sought to ban his writings on divorce. In 1640 after parliament challenged the king's power, the Star Chamber and the High Court, which had previously restricted access to and censored printing, were abolished. For a brief period between 1640-1643 there was little censorship and as a result an explosion of literary activity followed. In 1643 this period ended when parliament passed an act which required authors to obtain a license from the government prior to publishing.

AREOPAGITICA

After suffering ridicule for his views and failing to publish most of his writing legally, Milton decided to write an attack upon pre-publication censorship titled Areopagitica. In his own words, it defended, "the liberty to know, to utter, and to argue freely according to conscience." Areopagitica (https://www.dartmouth.edu/~milton/reading_room/areopagitica/text.html) takes the form of a speech to Parliament that is separated into the distinct sections in which Milton laid out his argument.

A HISTORY OF CENSORSHIP

Milton begins by discussing the history of censorship, beginning with the ancient civilizations of Athens and Rome. Athens, the birthplace of both democracy and philosophy where in Milton's words "books and wits were ever busier than in any other part of Greece." (Athens was also the site of a hill called the Areopagus, where philosophers debated issues of the day and after which Milton named his book.) The only books the Greeks restricted were those which expounded atheism or which were considered libellous. Similarly, the Romans only punished blasphemous and libellous writings.

This changed in the Middle Ages with the rise of the Papacy. Milton was a staunch opponent of Catholicism, which he viewed as subversive religiously and dangerous politically, a common stance among Puritans at the time, although few were a match for Milton's vitriol. Milton knew that by associating censorship with Catholicism he could begin convincing his Puritan contemporaries through an argument by association that would make them uncomfortable.

THE INSEPARABILITY OF GOOD AND EVIL

Milton's next argument against censorship is less sectarian in nature. Many government regulators wished to impose their will on authors in order to avoid the possible vices of what they called "freewriting." They wished to insulate the public from harmful or toxic ideas, but as Milton explains, this was an act against God, who trusts us "with the gift of reason to be his own chooser." God has left us free will to decide our fates despite our fallen nature. It is our duty to overcome vice, not insulate ourselves from it. Insulating a person from vice does not make them virtuous; as Milton eloquently explains, "I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary but slinks out of the race, where that immortal garland is to be run for, not without dust and heat." To be truly morally virtuous, we must be left free to grapple with moral issues.

THE FUTILITY OF IMPLEMENTING CENSORSHIP

Next, Milton stresses how the actual implementation of censorship would be a difficult if not impossible task given that he himself had successfully evaded such laws. Laws are important, but they cannot be applied effectively to every social issue. Milton explains that we must instead rely upon the responsibility and self-discipline of the English people, what he refers to as the "bonds and ligaments of the commonwealth." Milton explains that "if every action, which is good or evil in man at ripe years, were to be under pittance and prescription and compulsion, what were virtue but a name." Milton believes the licensing laws to be naïve, at best, in their utopian attempt at controlling every aspect of life and that this, ultimately, makes them bound to fail.

OUR INHERENT DESIGN

The fourth and final part of *Areopagitica* is where Milton devotes most of his attention. His most intricate but essential argument is about the fundamental nature of humans. Censorship is uniquely degrading to a free people as it causes "an undervaluing and vilifying of the whole nation." Censorship so thoroughly undervalues people it leads Milton to ask, "What advantage is it to be a man, over it is to be a boy at school."

For Milton censorship is degrading not only because it disrespects us but because it sabotages God's design for humanity: "The light which we have gained was given us, not to be ever staring on, but by it to discover onward things more remote from our knowledge." We can only add to our knowledge through constant inquiry. Milton evokes the analogy of truth as a fountain. If waters do not flow in a "perpetual progression," it will stagnate. Free inquiry is the gift God bestowed upon humanity despite our flawed condition; without it, we lack an irreplaceable part of our nature.

THE POLITICAL SITUATION OF MILTON'S DAY

In Milton's day, the English Monarch was the supreme authority of the land and could call or dismiss parliament at a whim. Although only the Parliament could legitimately raise taxes, King Charles, I had little time for Parliamentary demands and so ruled without their input for eleven years, resorting to legal loopholes, hefty fines, and the granting of monopolies to raise money without the legislature's say so. Tired of the king's abuses of power, in 1641 Parliament passed, by a minuscule margin, the "Grand Remonstrance," a resolution which it presented to the King that detailed a long list of grievances and demands for reform. Outraged by parliament's demands, the king ordered the arrest of the five leading members of parliament (MPs). When his request was rebuffed, civil war erupted.

At the outset of the war, few if any parliamentarians wished to dethrone the current monarch, let alone abolish the monarchy. They wished to keep Charles as king, albeit curtailed by reforms and checked by an empowered parliament. The Earl of Manchester summarised the fundamental paradox of the first civil war, explaining, "The King need not care how oft he fights... If we fight 100 times and beat him 99 he will be King still, but if he beats us but once, or the last time, we shall be hanged, we shall lose our estates, and our posterities be undone."

Despite his eventual defeat by Parliament, the army of which was led by Oliver Cromwell, Charles would not agree to terms. After skillfully delaying any agreement for two years, Charles convinced the Scottish to invade England and reinstall him on the throne. But Parliament defeated the invading Scots and royalist rebels. It was the last straw for Charles. In an unprecedented turn of events, the king was brought to trial and executed for treason.

JUSTIFYING REGICIDE

After the beheading of Charles I, Milton was appointed Secretary for Foreign Tongues in 1649, a position responsible for translating foreign correspondence, most of which was written in Latin. He was also charged with publishing his own writings to help legitimize the newly founded republic against its detractors. To this end, Milton published *The Tenure of Kings and Magistrates* in 1649, just two weeks after the king's beheading.

Milton had his work cut out for him. Firstly justifying the king's execution was no easy task given that monarchy was the norm of the time. Besides the Italian city-states, few in the European world did not live under some form of monarchy. From this comes Milton's second problem, establishing parliamentary legitimacy. A minority had enforced their will upon the majority to enact the king's execution. The more radical wing of Parliament and the military had wrangled their way into a dominant position and could impose their plans on the entire country. However, the majority of people in Parliament, let alone the general public, did not fully support the king's trial.

Milton's goal is to show that anyone in power, "be he King, or Tyrant, or Emperour," that "the Sword of Justice is above him." Before the death of Charles, there was a widespread belief that kings stood above the law. English critics pointed to an earlier example of this involving a confrontation between King Charles's father, James, and the chief justice

Edward Coke in 1608. In a council meeting, James exclaimed that since he was divinely ordained to rule, he could override any judges that he had appointed. Coke responded that this was not the case and that the law applies to all men. James flew into a rage, almost punching Coke in the face, who then abjectly apologized for expressing his bizarre belief that the law should apply to all men equally. The idea of monarchs being divinely ordained by God and thus the supreme authority was clearly an entrenched idea.

WHEN TO RESIST A TYRANT

Many Englishmen had relied upon the Calvinist theory of resistance for formulating who was and was not qualified to depose a tyrant. Due to religious wars between French Catholics and Protestants, Calvinists began to formulate theories legitimizing their opposition to Catholic monarchs. Foreign tyrants could be resisted and deposed by anyone, but domestic tyranny was a different more complex matter.

According to the Calvinists, all power was derived ultimately from God. Only those in power could depose another tyrant. Therefore, domestic tyrants could only be deposed by magistrates of adequate rank and dignity. Private individuals without some sort of official position had no authority to depose a domestic tyrant. Milton disagreed with the Calvinist position, and his departure from it leads to two important principles, that all authority is derived from the people and that a tyrant could be justly deposed by anyone who acts in harmony with natural law.

OUR NATURAL EQUALITY

Milton explained that in reality no one was ordained to rule anyone since “all men naturally were born free... and were by privilege above all creatures, born to command and not obey.” All men are created in the image of God, and none are destined to domineer over another. To establish peace and order, we give up our natural right to self-defence and vest it in one person “for ease, for order, and least each man should be his own partial Judge.” No public official is therefore chosen by God. They are chosen by the people who transfer their authority to magistrates or kings. Milton, in effect, secularized the concept of political power.

Because all people were born equal, Milton believed that any person could legitimately resist a tyrant needing more than “to be guided then by the very principles of nature in him.” Inspired partially by the writings of Cicero, Milton concluded that any person who became a tyrant had sacrificed their human dignity and became a “savage beast” that could be put down by any person of clear judgement.

PUBLIC OFFICIALS SERVE THE PEOPLE, NOT VICE VERSA

When the people transfer their authority to an official by their own free consent, they also establish laws so no magistrate may abuse their newfound power. These laws curtail any possible encroachments upon the people they rule. Any authority that a public official holds is fundamentally derived from the people through their consent. Milton’s language transforms rulers into deputies or servants of the people who must act in the public trust and who are liable to be scrutinized and dismissed if found ineffective. Because of this,

Milton believes a fundamental right of the people is to depose a leader who is not protecting their natural liberties or serving their best interest even if that ruler is not necessarily acting as a tyrant. A nation without this fundamental right is “no better than slaves and vassals.”

Milton explains that even a just monarch can be permissibly replaced by another monarch if the people wish. Without the power of replacing or altering government, even if a monarch acted justly and fulfilled the people’s needs, he is dangerous as his power “though not illegal or intolerable, hangs over them as a Lordly scourge, not as a free government; and therefore to be abrogated.” Freedom is best encapsulated by a lack of any form of discretionary or arbitrary power an official might hold over others.

THE CRUMBLING REPUBLIC

In 1658 the former leader of the Parliamentary army, Oliver Cromwell, died. With his death, the newly found English republic began to crumble. The military protectorate government established by Cromwell was unpopular, and many were still loyal to the monarchist cause. Cromwell’s son took his place at the helm of the state but lacked his father’s energetic leadership and was quickly forced to resign. Many wished to reinstate Charles’s son as the new reigning monarch of England, thus undoing the republic.

While Milton had strong republican tendencies, in his book, *The Tenure in Magistrates of Kings*, he still accepted that there could be a just monarchy under certain conditions. By 1660, Milton had abandoned monarchy, which he describes as unnecessary, burdensome, and dangerous.” He advises his fellow countrymen that it should be “justly and magnanimously abolished” Milton praises the virtues of a free commonwealth presided over by “a general council of ablest men, chosen by the people.” Additionally, in *The Ready and Easy Way To Establish A Free Commonwealth*, which he wrote in 1660, Milton argues that a commonwealth is superior to monarchy because it will secure the common good, respect the moral equality of people, and, most importantly, it will preserve liberty.

SECURING THE COMMON GOOD

Any person that wishes for the domination of one single person “must needs be mad or strangely infatuated” because it is inherently unsafe to rely solely on one person. Milton argues instead in favour of a “counsel of many industrious equals.” Decision-making in a monarchy is based upon the whim of one, while Milton’s commonwealth model benefits from numerous competing perspectives. The deliberation from the wisest and best of a country produces the best outcomes. Milton’s commonwealth would secure the common good through deliberation, not the whims of one individual.

MORAL EQUALITY

All people are created in God’s image, which implies a fundamental equality of all beings. Milton states that God “didst create mankind free!”, giving them no natural masters or rulers. Monarchy undermines this fundamental equality by arbitrarily raising one person above the rest of the world. Unlike monarchy, those who hold power in a commonwealth are not arrogant or vain; instead they “are not elevated above their brethren; live soberly in their families, walk the streets as other men, may be spoken to freely, familiarly,

friendly, without adoration.” In Milton’s ideal commonwealth, there is a mien of humble dignity about those in power. Although they are moral exemplars for the people, they are not raised above the people but walk beside them without any incessant bowing to or by anyone.

PRESERVING LIBERTY

For Milton, protecting our freedom is the “one main end of government,”;for any form of government to be deemed worthy it must safeguard liberty. As articulated in *The Tenure of Magistrates and Kings*, a fundamental prerequisite for any free nation is the ability to remove those in power and to alter the structure of government. In contrast to a monarchy with its many shortcomings, Milton believes that “in a free Commonwealth, any governor or chief counselor offending, may be removed and punished without the least commotion.” The ease of choosing and removing rulers makes a commonwealth a more stable form of government. Those with political power in a commonwealth “are perpetual servants and drudges to the public at their own cost and charges,” precisely the opposite of a monarchy, which is why it will, in Milton’s judgement, always be a better guarantor of liberty.

THE RESTORED MONARCHY

Despite his best efforts championing the “good old cause” of Republicanism, Milton was ultimately unsuccessful in convincing his compatriots to resist reinstating a monarchy. By May of 1660, Charles’s son, also named Charles, returned from exile and assumed his position as King of England. As an ardent supporter of the republic and an advocate for Charles I’s execution, it was unsurprising that an arrest warrant for Milton was quickly produced. Royalists burned his writings while Milton, now old and blind, lay in hiding. After a brief imprisonment, Milton was released due to the influence of politically connected friends. The blind, impoverished, and defeated Milton spent the rest of his days composing poetry and eventually producing his masterwork, *Paradise Lost*, although he remained unrepentant for his staunch beliefs.

LEGACY AND RELEVANCE

Milton is mainly revered as a poet and rightly so given that that is what he wanted to be known as first and foremost. But his political writings deserve praise and *Areopagitica* deserves a spot alongside John Stuart Mill’s *On Liberty* as one of the great defences of free speech. Milton argued that the state is not some quasi-divine entity ordained by God but is instead an organization legitimized by the consent of the governed. Milton argued that might does not make right, rulers must conform to a higher law, and, if they fail to do so, those suffering under their rule are wholly justified in rebelling against their former leaders. His political thought bears a striking resemblance to John Locke’s writings. Both formed the core of their philosophy around natural law and the right to revolution. Unsurprisingly, Milton greatly influenced later radical British Whigs who would, in turn, inspire many of the American revolutionaries. Though he was not without his flaws-- including his aristocratic inclinations, a disdain for democracy, and a rabid hatred of Catholicism--John Milton’s political thought is still a valuable addition to the classical liberal arsenal.