

DIVINE RIGHT AND DEMOCRACY

An Anthology of Political Writing
in Stuart England

EDITED BY DAVID WOOTTON

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2 Robert Sanderson, *A Resolution of Conscience* (1649)

Upon perusal of Mr Ascham's book you left with me, I find not myself in my understanding thereby convinced of the necessity or lawfulness of conforming unto, or complying with, an unjust prevailing power further than I was before persuaded it might be lawful or necessary so to do: viz. as paying taxes and submitting to some other things, in themselves not unlawful, by them imposed or required, such as I had a lawful liberty to have done in the same manner though they had not been so commanded, and seem to me in the conjuncture of present circumstances prudentially necessary to preserve myself or my neighbour from the injuries of those that would be willing to make use of my non-submission, to mine or his ruin, so as it be done with these cautions:

- (1) Without violation either of duty to God or any other just obligation that lies upon me by oath, law, or otherwise.
- (2) Only in the case of necessity otherwise not to be avoided.
- (3) Without any explicit or implicit acknowledgement of the justice and legality of their power. I may submit . . . to the force, but not acknowledge . . . the authority, or by any voluntary act give strength, assistance or countenance thereunto.
- (4) Without any prejudice unto the claim of the oppressed party that has a right title, or casting myself into an incapacity of lending him my due and bounden assistance if, in time to come, it may be useful to him towards the recovery of his right.
- (5) Where I may reasonably and *bona fide* presume the oppressed power (to whom my obedience is justly due), if he perfectly knew the present condition I am in, together with the exigence and necessity of the present case, and of all circumstances thereof, would give his willing consent to such my conformity and compliance.

So that, upon the whole matter and in short, I conceive I may so far submit unto the impositions, or comply with the persons, of a prevailing usurped power, unjustly commanding things not in themselves unlawful, or make use of their power to protect one from other's injuries, as I may submit unto, comply with, or make use of an highway thief, or robber, when I am fallen into his hands and lie at his mercy.

As for Mr Ascham's *Discourse*, though it be handsomely framed, yet all the strength of it, to my seeming, if he would speak out, would be in plain English these:

- (1) That self-preservation is the first and chiefest obligation in the world, to which all other bonds and relations (at least between man and man) must give place.
- (2) That no oath, at least no imposed oath, at what terms soever expressed, binds the taker further than he intended to bind himself thereby, and it is presumed that no man intended to bind himself to the prejudice of his own safety.

Two dangerous and desperate principles, which evidently tend:

- (1) To the taking away of all Christian fortitude and suffering in a righteous cause.
- (2) To the encouraging of daring and ambitious spirits to attempt continued innovations, with this confidence, that if they can by any means (how unjust soever) possess themselves of the supreme power, they ought to be submitted unto.
- (3) To the obstructing unto the oppressed party all possible ways and means, without a miracle, of ever recovering that just right of which he shall have been unjustly dispossessed.

And (to omit further instancing): (4) To the bringing in of atheism, with the contempt of God and all religion, whilst every man, by making his own preservation the measure of all his duties and actions, makes himself thereby his own idol.

3 *An Act for the Abolishing the Kingly Office in England and Ireland, and the Dominions thereunto Belonging* (17 March 1649)

Whereas Charles Stuart, late King of England . . . [etc.], has by authority derived from Parliament been and is hereby declared to be justly condemned, adjudged to die, and put to death, for many treasons, murders and other heinous offences committed by him, by which judgement he stood and is hereby declared to be attainted of high treason, whereby his issue and posterity, and all others pretending

title under him, are become incapable of the said crowns, or of being king or queen of the said kingdom or dominions, or either or any of them; be it therefore enacted and ordained . . . by this present Parliament and by authority thereof, that all the people of England and Ireland . . ., of what degree or condition soever, are discharged of all fealty, homage and allegiance which is or shall be pretended to be due unto any of the issue and posterity of the said late King, or any claiming under him; and that Charles Stuart, eldest son, and James called Duke of York, second son, and all other the issue and posterity of him the said late King, and all and every person and persons pretending title from, by or under him, are and be disabled to hold or enjoy the said Crown of England and Ireland. . . .

And whereas it is and has been found by experience that the office of a king in this nation and Ireland, and to have the power thereof in any single person, is unnecessary, burdensome and dangerous to the liberty, safety and public interest of the people, and that for the most part use has been made of the regal power and prerogative to oppress and impoverish and enslave the subject, and that usually and naturally any one person in such power makes it his interest to encroach upon the just freedom and liberty of the people, and to promote the setting up of their own will and power above the laws, that so they might enslave these kingdoms to their own lust, be it therefore enacted and ordained by this present Parliament . . . that the office of a king in this nation shall not henceforth reside in or be exercised by any one single person, and that no one person whatsoever shall or may have or hold the office, style, dignity, power or authority of king of the said kingdoms and dominions, or any of them, or of the Prince of Wales, any law . . . notwithstanding.

And whereas by the abolition of the kingly office provided for in this Act a most happy way is made for this nation (if God see it good) to return to its just and ancient right of being governed by its own Representatives or National Meetings in Council, from time to time chosen and entrusted for that purpose by the people; it is therefore resolved and declared by the Commons assembled in Parliament that they will put a period to the sitting of this present Parliament, and dissolve the same, so soon as may possibly stand with the safety of the people that has betruusted them, and with what is absolutely necessary for the preserving and upholding the government now settled in the way of a Commonwealth, and that

they will carefully provide for the certain choosing, meeting and sitting of the next and future Representatives with such other circumstances of freedom in choice and equality in distribution of Members to be elected thereunto as shall most conduce to the lasting freedom and good of this Commonwealth.

And it is hereby further enacted and declared, notwithstanding anything contained in this Act, [that] no person or persons of what condition and quality soever, within the Commonwealth of England and Ireland, Dominion of Wales, the Islands of Guernsey and Jersey, and [the] town of Berwick upon Tweed, shall be discharged from the obedience and subjection which he and they owe to the government of this nation, as it is now declared, but all and every of them shall in all things render and perform the same, as of right is due unto the Supreme Authority hereby declared to reside in this and the successive Representatives of the people of this nation, and in them only.

4 *An Act for Subscribing the Engagement* (2 January 1650)

Whereas divers disaffected persons do by sundry ways and means oppose and endeavour to undermine the peace of the nation under this present government, so that unless special care be taken a new war is likely to break forth, for the preventing whereof, and also for the better uniting of this nation, as well against all invasions from abroad as the common enemy at home, and to the end that those which receive benefit and protection from this present government may give assurance of their living quietly and peaceably under the same, and that they will neither directly nor indirectly contrive or practise anything to the disturbance thereof, the Parliament now assembled do enact and ordain . . . that all men whatsoever within the Commonwealth of England, of the age of eighteen years and upwards, shall as is hereafter in this present Act directed take and subscribe this Engagement following, viz., *I do declare and promise that I will be true and faithful to the Commonwealth of England as it is now established, without a king or House of Lords.*

And for the due taking and subscribing thereof, be it further enacted . . . that all and every person and persons that now has, or

hereafter shall have, hold or enjoy any place or office of trust or profit, or any place or employment of public trust whatsoever within the said Commonwealth . . . that has not formerly taken the said Engagement, by virtue of any order or direction of Parliament, shall take and subscribe the said Engagement at or before the twentieth day of February. . . .

And it is further enacted and declared, that all and every person or persons that expects benefit from the courts of justice of this Commonwealth, and that either now are or hereafter shall be plaintiff or plaintiffs, demandant or demandants, in any suit, plaint, bill, action, information, writ, demand, execution, or any other process whatsoever, in any of the courts . . . [of justice] within the Commonwealth of England . . . shall take and subscribe, and are hereby required to take and subscribe the aforesaid Engagement. . . . And that it shall and may be lawful for all and every person or persons that are or shall be defendant or defendants, or that are or shall be sued, impleaded, attached, arrested, molested or complained against in any such courts . . . from and after the twentieth of April . . . to plead, aver, or to move in arrest of judgement . . . that the plaintiff or plaintiffs . . . have not taken and subscribed the said Engagement. . . .

5 *Some Scruples of Conscience Which a Godly Minister in Lancashire Did Entertain Against the Taking of the Engagement (1650)*

Worthy Sir,

I have delayed writing for a time, in that I have been uncertain whether I should come to London or no. But now at the last resolving to wait a while before I come, do make bold to present my humble thankfulness for your former kindness shown to me. I have been much perplexed in mind concerning the Engagement and still am; by which means my maintenance is, and has for a season been, withheld.

Those scruples which I stick at, I shall make bold to acquaint you with, and they are these:

(1) The late government voted down was in itself lawful, wholesome and good, and no evil ever yet did appear to me in the power, but only in the persons who did exercise that power, which was no sufficient ground of change, and it is not safe to meddle in it.

(2) To that said government I am bound by many solemn and sacred ties, to maintain it in my place, not only in the substance and main parts of it, but also in the form and circumstance thereof. And those said obligations are not merely civil and human, but sacred and divine, and above the absolution of any earthly power.

(3) I conceive it unlawful to engage against the undoubted rights of any man. I suppose there may be found such lawful heirs of the Crown as have not anyways forfeited their rights, and also great interests and privileges which many innocent peers of this land may fairly challenge, which they have not lost by their miscarriage, treason or rebellion.

(4) I cannot be satisfied, but that the liberty of the free-born English is by that means much infringed in this late settlement and constitution: (i) in that many of the innocent and faithful members, the representatives of the people, were at the voting of this new establishment thrust out and debarred the House, which makes it seem rather a combination or confederacy, than a lawful constitution; for if a people have liberty in anything, certainly it is to choose their governors and government; (ii) the subscription is forced upon us, under the penalties of outlawing and fining, so that this power are our absolute lords, which is that heavy yoke that we have feared and fought against.

(5) I consider if men at their inition and instalment will walk so arbitrarily, and domineer with so high a hand, what will they do (may we expect) when they come to a full settlement, by the consent of all the people of the nation?

(6) The grieving and troubling the hearts and consciences, not of loose, perverse and seditious, but of grave, sober, pious and peaceable men is made nothing of; but they are trampled upon, and wholly neglected, whilst many atheists, Cavaliers, and base wretches that will take the Engagement, are embraced, privileged and respected.

These and such, dear Sir, are the troubles of my heart, which I

make bold to express thus plainly, not doubting of your favour in construing my harsh and too-high phrases and over-bold expressions; only I follow this as the safest way to satisfaction and resolution, hoping that the Lord will of his goodness stir you up and direct you to satisfy me, or candidly to think of and bear with me.

Sir, your loving invitation and encouragement has made me thus bold to trouble you; and, as for those other businesses I formerly mentioned, I conceive little can be done, etc.

Dated 9 May, 1650

6 William Allen (i.e. Edward Sexby), *Killing Noe Murder. Briefly Discourt in Three Quaestions* (1657)

And all the people of the land rejoiced: and the city was quiet, after that they had slain Athaliah with the sword. 2 Chr. 23: 21
Now after the time that Amaziah did turn away from following the Lord, they made a conspiracy against him in Jerusalem, and he fled to Lachish; but they sent to Lachish after him, and slew him there. 2 Chr. 25: 27

To His Highness
 Oliver Cromwell:

May it please your Highness,

How I have spent some hours of the leisure your Highness has been pleased to give me, this following paper will give your Highness an account. How you will please to interpret it I cannot tell; but I can with confidence say my intention in it is to procure your Highness that justice nobody yet does you, and to let the people see the longer they defer it, the greater injury they do both themselves and you. To your Highness justly belongs the honour of dying for the people; and it cannot choose but be unspeakable consolation to you in the last moments of your life to consider with how much benefit to the world you are like to leave it. 'Tis then only, my Lord, the titles you now usurp will be truly yours. You will then be indeed the deliverer of your country, and free it from a bondage little inferior to that from which Moses delivered his. You will then be that true reformer which you would be thought. Religion shall be then restored, liberty asserted, and parliaments have those privileges they have fought for.

We shall then hope that other laws will have place besides those of the sword, and that justice shall be otherwise defined than the will and pleasure of the strongest. And we shall then hope men will keep oaths again, and not have the necessity of being false and perfidious to preserve themselves, and be like their rulers. All this we hope from your Highness's happy expiration, who are the true father of your country: for while you live we can call nothing ours, and it is from your death that we hope for our inheritances. Let this consideration arm and fortify your Highness's mind against the fears of death and the terrors of your evil conscience, that the good you will do by your death will something balance the evils of your life. And if in the black catalogue of high malefactors few can be found that have lived more to the affliction and disturbance of mankind than your Highness has done, yet your greatest enemies will not deny but there are likewise as few that have expired more to the universal benefit of mankind than your Highness is like to do. To hasten this great good is the chief end of my writing this paper; and if it have the effects I hope it will, your Highness will quickly be out of the reach of men's malice and your enemies will only be able to wound you in your memory, which strokes you will not feel. That your Highness may be speedily in this security is the universal wishes of your grateful country. This is the desires and prayers of the good and of the bad, and it may be as the only thing wherein all sects and factions do agree in their devotions, and is our only common prayer. But amongst all that put in their requests and supplications for your Highness's speedy deliverances from all earthly troubles, none is more assiduous, nor more fervent, than he who, with the rest of the nation, has the honour to be

May it please your Highness,
 Your Highness's present slave and vassal,
 W.A.

To all officers and soldiers of the army that remember their engagements and dare be honest:

I heartily wish for England's sake that your number may be far greater than I fear it is; and that his Highness his frequent purgations may have left any amongst you that by these characters are concerned in this dedication. That I and all men have reason to make this a

doubt, your own actions, as well as your tame sufferings, do but too plainly manifest. For you that were the champions of our liberty, and to that purpose were raised, are not you become the instruments of our slavery? And your hands that the people employed to take off the yoke from off our necks, are not those very hands they that now put it on? Do you remember that you were raised to defend the privileges of Parliament, and have sworn to do it; and will you be employed to force elections and dissolve Parliaments because they will not establish the tyrant's iniquity, and our slavery, by a law? I beseech you think upon what you have promised and what you do, and give not posterity as well as your own generation the occasion to mention you with infamy, and to curse that unfortunate valour and success of yours that only has gained victories (as you use them) against the common weal. Could ever England have thought to have seen that army, that was never mentioned without the titles of religious, zealous, faithful, courageous, the fence of her liberty at home, the terror of her enemies abroad, become her gaolers? Not her guard, but her oppressors? Not her soldiers, but a tyrant's executioners, drawing to blocks and gibbets all that dare be honest than themselves? This you do; and this you are; nor can you ever redeem your own honour, the trust and love of your country, the estimation of brave men, or the prayers of good, if you let not speedily the world see you have been deceived; which they will only then believe when they see your vengeance upon his faithless head that did it. This if you defer too long to do, you will find too late to attempt, and your repentance will neither vindicate you, nor help us. To let you see you may do this as a lawful action, and to persuade you to it as a glorious one, is the principal intent of this following paper, which, whatever effects it has upon you, I shall not absolutely fail of my ends, for if it excites not your virtue and courage, it will yet exprobrate your cowardice and baseness.

This is from one that was once one amongst you: and will be so again when you dare be so as you were.

Killing No Murder

It is not any ambition to be in print when so few spare paper and the press; nor any instigations of private revenge or malice (though few that dare be honest now want their causes) that have prevailed with

me to make myself the author of a pamphlet, and to disturb that quiet which at present I enjoy by his Highness' great favour and injustice. Nor am I ignorant to how little purpose I shall employ that time and pains which I shall bestow upon this paper. For to think that any reasons or persuasions of mine, or conviction of their own, shall draw men from anything wherein they see profit or security, or to anything wherein they fear loss, or see danger, is to have a better opinion both of myself and them than either of us both deserve.

Besides, the subject itself is of that nature that I am not only to expect danger from ill men, but censure and disallowance from many that are good; for these opinions only looked upon, not looked into (which all have not eyes for), will appear bloody and cruel; and these compellations I must expect from those that have a zeal, but not according to knowledge. If, therefore, I had considered myself, I had spared whatever this is of pains, and not distasted so many, to please so few as are, in mankind, the honest and the wise. But at such a time as this, when God is not only exercising us with a usual and common calamity of letting us fall into slavery that used our liberty so ill, but is pleased so far to blind our understandings and to debase our spirits as to suffer us to court our bondage, and to place it among the requests we put to him, indignation makes a man break that silence that prudence would persuade him to use, if not to work upon other men's minds, yet to ease his own.

A late pamphlet tells us of a great design discovered against the person of his Highness, and of the Parliament's coming (for so does that Junto profane that name) to congratulate with his Highness his happy delivery from that wicked and bloody attempt. Besides this, that they have ordered that God Almighty shall be mocked with a day of thanksgiving (as I think the world is with the plot), and that the people shall give public thanks for the public calamity that God is yet pleased to continue his judgements upon them, and to frustrate all means that are used for their deliverance. Certainly none will now deny that the English are a very thankful people. But I think if we had read in Scripture that the Israelites had cried unto the Lord not for their own deliverance, but the preservation of their task-masters, and that they had thanked God with solemnity that Pharaoh was yet living, and that there was still great hopes of the daily increase of the number of their bricks, though that people did so many things not only impiously and profanely, but ridiculously and absurdly, yet

certainly they did nothing we should more have wondered at, than to have found them ceremoniously thankful to God for plagues that were commonly so brutishly unthankful for mercies; and we should have thought that Moses had done them a great deal of wrong if he had not suffered them to enjoy their slavery, and left them to their tasks and garlic.

I can with justice say my principal intention in this paper is not to declaim against my Lord Protector or his accomplices, for were it not more to justify others than to accuse them, I should think their own actions did that work sufficiently, and I should not take pains to tell the world what they knew before. My design is to examine whether, if there has been such a plot as we hear of, and that it was contrived by Mr Sindercombe against my Lord Protector, and not by my Lord Protector against Mr Sindercombe (which is doubtful), whether it deserves those epithets Mr Speaker is pleased to give it, of bloody, wicked, and proceeding from the Prince of Darkness. I know very well how incapable the vulgar are of considering what is extraordinary and singular in every case, and that they judge of things and name them by their exterior appearances, without penetrating at all into their causes or natures. And without doubt when they hear the Protector was to be killed they straight conclude a man was to be murdered, not a malefactor punished, for they think the formalities do always make the things themselves, and that 'tis the judge and the crier that makes the justice, and the gaol the criminal. And therefore when they read in the pamphlet Mr Speaker's speech, they certainly think he gives these plotters their right titles; and, as readily as a High Court of Justice, they condemn them, without ever examining whether they would have killed a magistrate or destroyed a tyrant, over whom every man is naturally a judge and an executioner, and whom the laws of God, of nature, and of nations expose, like beasts of prey, to be destroyed as they are met.

That I may be as plain as I can, I shall first make it a question (which indeed is none), whether my Lord Protector be a tyrant or not? Secondly, if he be, whether it is lawful to do justice to upon him without solemnity, that is, to kill him. Thirdly, if it be lawful, whether it is like to prove profitable or noxious to the commonwealth?

The civil law makes tyrants of two sorts: *tyrannus sine titulo*, and *tyrannus exercitio*. The one is called a tyrant because he has no right to govern; the other because he governs tyrannically. We will very

briefly discourse of them both, and see whether the Protector may not with great justice put in his claim to both titles.

We shall sufficiently demonstrate who they are that have not a right to govern if we show who they are that have, and what it is that makes the power just which those that rule have over the natural liberty of other men. To fathers within their private families nature has given a supreme power. Every man, says Aristotle, of right governs his wife and children, and this power was necessarily exercised everywhere whilst families lived dispersed, before the constitutions of commonwealths; and in many places it continued after, as appears by the laws of Solon, and the most ancient of those of Rome. And indeed, as by the laws of God and nature the care, defence, and support of the family lies upon every man whose it is, so by the same law there is due unto every man from his family a subjection and obedience, in compensation of that support. But several families uniting themselves together to make up one body of a commonwealth, and being independent one of another, without any natural superiority or obligation, nothing can introduce amongst them a disparity of rule and subjection but some power that is over them; which power none can pretend to have but God and themselves. Wherefore all power which is lawfully exercised over such a society of men (which from the end of its institution we call a commonwealth) must necessarily be derived either from the appointment of God Almighty, who is supreme lord of all and every part, or from the consent of the society itself, who have the next power to his of disposing of their own liberty as they shall think fit for their own good. This power God has given to societies of men, as well as he gave it to particular persons; and, when he interposes not his own authority and appoints not himself who shall be his vicegerents and rule under him, he leaves it to none but the people themselves to make the election, whose benefit is the end of all government. Nay, when he himself has been pleased to appoint rulers for that people which he was pleased peculiarly to own, he many times made the choice but left the confirmation and ratification of that choice to the people themselves. So Saul was chosen by God, and anointed king by his prophet, but made king by all the people at Gilgal. David was anointed king by the same prophet, but was afterwards, after Saul's death, confirmed by the people of Judah, and seven years after by the Elders of Israel, the people's deputies, at Hebron. And it is

observable that though they knew that David was appointed king by God and anointed by his prophet, yet they likewise knew that God allowed to themselves not only his confirmation, but likewise the limitation of his power, for before his inauguration they made a league with him: that is, obliged him by compact to the performance of such conditions as they thought necessary for the securing [of] their liberty. Nor is it less remarkable that when God gives directions to his people concerning their government he plainly leaves the form to themselves, for he says not 'When thou shalt have come into the land which the Lord thy God gives thee, *statues super te regem*', but '*si dixeris statuum*'. God says not 'thou shalt appoint a king over thee', but 'if thou shalt say, I will appoint', leaving it to their choice whether they would say so or no. And it is plain in that place that God gives the people the choice of their king, for he there instructs them whom they shall choose: *e medio fratrum tuorum*, one out of the midst of thy brethren. Much more might we say, if it were less manifest truth that all just power of government is founded upon those two bases of God's immediate command or the people's consent. And therefore whosoever arrogates to himself that power, or any part of it, that cannot produce one of those two titles, is not a ruler but an invader, and those that are subject to that power are not governed, but oppressed.

This being considered, have not the people of England much reason to ask the Protector this question: *Quis constituit te virum Principem et judicem super nos?* Who made thee a prince and a judge over us? If God made thee, make it manifest to us. If the people, where did we meet to do it? Who took our subscriptions? To whom deputed we our authority? And when and where did those deputies make the choice? Sure these interrogations are very natural, and I believe would much trouble his Highness, his Council and his Junto to answer. In a word, that I may not tire my reader (who will not want proofs for what I say, if he wants not memory), if to change the government without the people's consent; if to dissolve their representatives by force and disannul their acts; if to give the name of the people's representatives to confederates of his own, that he may establish iniquity by a law; if to take away men's lives out of all course of law, by certain murderers of his own appointment, whom he names a High Court of Justice; if to decimate men's estates, and by his own power to impose upon the people what taxes he pleases;

and to maintain all by force of arms: if, I say, all this does make a tyrant, his own impudence cannot deny, but he is as complete a one as ever has been since there have been societies of men. He that has done and does all this is the person for whose preservation the people of England must pray; but certainly if they do, 'tis for the same reason that the old woman of Syracuse prayed for the long life of the tyrant Dionysius, lest the devil should come next.

Now if, instead of God's command, or the people's consent, his Highness has no other title but force and fraud, which is to want all title; and if to violate all laws, and propose none to rule by, but those of his own will, be to exercise that tyranny he has usurped, and to make his administration conformable to his claim, then the first question we proposed is a question no longer.

But before we come to the second, being things are more easily perceived and found by the description of their exterior accidents, and qualities, than the defining their essences, it will not be amiss to see whether his Highness has not as well the outward marks and characters by which tyrants are known, as he has their nature and essential properties: whether he has not the skin of the lion and tail of the fox, as well as he has the violence of the one and deceit of the other. Now in this delineation which I intend to make of a tyrant, all the lineaments, all the colours, will be found so naturally to correspond with the life, that it cannot but be doubted whether his Highness be the original, or the copy. Whether I have in drawing the tyrant represented him? Or in representing him expressed a tyrant? And therefore lest I should be suspected to deal un-sincerely with his Highness, and not to have applied these following characters, but made them, I shall not give you any of my own stamping, but such as I find in Plato, Aristotle, Tacitus, and his Highness' own Evangelist, Machiavelli.

The Marks of a Tyrant

1. Almost all tyrants have been first captains and generals for the people, under pretences of vindicating, or defending, their liberties. *Ut imperium evertant, libertatem praeferunt; cum perverterunt, ipsam aggrediuntur*, says Tacitus; to subvert the present government, they pretend liberty for the people; when the government is down, they then invade that liberty themselves: this needs no application.

2. Tyrants accomplish their ends much more by fraud than force. Neither virtue nor force, says Machiavelli, are so necessary to that purpose as *una astutia fortunata*, a lucky craft, which, says he, without force has been often found sufficient, but never force without that. And in another place he tells us their way is *aggirare li cervelli de gli huomini con astutia*, etc.: with cunning plausible pretences to impose upon men's understandings, and in the end they master those that had so little wit as to rely upon their faith and integrity. 'Tis but unnecessary to say that had not his Highness had a faculty to be fluent in his tears and eloquent in his execrations, had he not had spongy eyes and a supple conscience, and, besides, to do with a people of great faith but little wit, his courage and the rest of his moral virtues, with the help of his Janizaries, had never been able so far to advance him out of the reach of justice that we should have need to call for any other hand to remove him but that of the hangman.

3. They abase all excellent persons, and rid out of the way all that have noble minds, *et terrae filios extollunt*: and advance sons of the earth. To put Aristotle into other words, they purge both parliament and army, till they leave few or none there that have either honour or conscience, either wit, interest, or courage to oppose their designs. And in these purgations (says Plato) tyrants do quite contrary to physicians, for they purge us of our humours, but tyrants of our spirits.

4. They dare suffer no assemblies, not so much as horse races.

5. In all places they have their spies and delators, that is, they have their Fleetwoods, their Broughalls, their St Johns (besides innumerable small spies) to appear discontented and not to side with them; that under that disguise they may get trust, and make discoveries. They likewise have their emissaries to send with forged letters. If any doubt this, let him send to Major General Brown, and he will satisfy him.

6. They stir not without a guard, nor his Highness without his life-guard.

7. They impoverish the people, that they may want the power, if they have the will, to attempt anything against them. His Highness' way is by taxes, excise, decimations, etc.

8. They make war to divert and busy the people; and, besides, to have a pretence to raise moneys, and to make new levies, if they

either distrust their old forces, or think them not sufficient. The war with Spain serves his Highness to this purpose, and upon no other justice was it begun at first, or is still continued.

9. They will seem to honour and provide for good men: that is, if the ministers will be orthodox and flatter, if they will wrest and torture the Scripture to prove his government lawful, and furnish him with the title, his Highness will likewise be then content to understand Scripture in their favour, and furnish them with tithes.

10. Things that are odious and distasteful they make others executioners of; and when the people are discontented they appease them with sacrificing those ministers they employ: I leave it to his Highness his Major-Generals to ruminate a little upon this point.

11. In all things they pretend to be wonderful careful of the public: to give general accounts of the money they receive, which they pretend to be levied for the maintenance of the state, and the prosecuting of the war. His Highness made an excellent comment upon this place of Aristotle in his speech to this Parliament.

12. All things set aside for religious uses they set to sale, that while those things last they exact the less of the people. The Cavaliers would interpret this of the Dean and Chapter's lands.

13. They pretend inspirations from God, and responses from oracles to authorize what they do. His Highness has been ever an enthusiast; and as Hugh Capet, in taking the Crown, pretended to be admonished to it in a dream by St Valéry and St Richard; so I believe will his Highness do the same at the instigation of St Henry and St Richard, his two sons.

14. Lastly, above all things they pretend a love to God and religion. This Aristotle calls *artium tyrannicarum potissimam*: the surest and best of all the arts of tyrants, and we all know his Highness has found it so by experience. He has found indeed that in godliness there is great gain, and that preaching and praying, well managed, will obtain other kingdoms as well as that of heaven. His indeed have been pious arms, for he has conquered most by those of the Church: by prayers and tears. But the truth is, were it not for our honour to be governed by one that can manage both the spiritual and temporal sword, and, Roman like, to have our emperor our High Priest, we might have had preaching at a much cheaper rate, and it would have cost us but our tithes, which now costs us all.

Other marks and rules there are mentioned by Aristotle to know

tyrants by: but they being unsuitable to his Highness' actions, and impracticable by his temper, I insist not on them. As among other things, Aristotle would not have a tyrant insolent in his behaviour, nor strike people. But his Highness is naturally choleric, and must call men rogues, and go to cuffs. At last he concludes he should so fashion his manners, as neither to be really good, nor absolutely bad, but half one, half t'other. Now this half good is too great a proportion for his Highness, and much more than his temper will bear.

But to speak truths more seriously, and to conclude this first question: certainly whatever these characters make any man, it cannot be denied but his Highness is; and then if he be not a tyrant, we must confess we have no definition nor description of a tyrant left us; and may well imagine there is no such thing in nature, and that 'tis only a notion and a name. But if there be such a beast, and we do at all believe what we see and feel, let us now inquire, according to the method we proposed, whether this be a beast of game that we are to give law to, or a beast of prey to destroy with all means are allowable and fair?

Whether It be Lawful to Kill a Tyrant?

In deciding this question authors very much differ as far as it concerns supreme magistrates who degenerate into tyrants. Some think they are to be borne with as bad parents; and place them in the number of those mischiefs that have no other cure but our patience. Others think they may be questioned by that supreme law of the people's safety; and that they are answerable to the people's representatives for the breach of their trust. But none of sober sense makes private persons judges of their actions: which were, indeed, to subvert all government. But, on the other side, I find none (that have not been frightened or corrupted out of their reason) that have been so great enemies to common justice and the liberty of mankind as to give any kind of indemnity to a usurper who can pretend no title but that of being stronger, nor challenge the people's obedience upon any other obligation but that of their necessity and fear. Such a person, as one out of all bonds of human protection, all men make the Ishmael, against whom is every man's hand, as his is against every man. To him they give no more security than Cain, his fellow murderer and

oppressor, promised to himself, to be destroyed by him that found him first.

The reason why a tyrant's case is particular, and why in that every man has that vengeance given him which in other cases is reserved to God and the magistrate, cannot be obscure if we rightly consider what a tyrant is, what his crimes are, and in what state he stands with the commonwealth, and with every member of it. And certainly if we find him an enemy to all human society, and a subverter of all laws, and one that by the greatness of his villainies secures himself against all ordinary course of justice, we shall not at all think it strange if then he have no benefit from human society, no protection from the law, and if, in his case, justice dispenses with her forms.

We are therefore to consider that the end for which men enter into society is not barely to live, which they may do dispersed, as other animals, but to live happily, and a life answerable to the dignity and excellency of their kind. Out of society this happiness is not to be had, for singly we are impotent and defective, unable to procure those things that are either of necessity or ornament for our lives, and as unable to defend and keep them when they are acquired. To remedy these defects we associate together, that what we can neither joy nor keep singly, by mutual benefits and assistance one of another we may be able to do both. We cannot possibly accomplish these ends if we submit not our passions and appetites to the laws of reason and justice, for the depravity of man's will makes him as unfit to live in society as his necessity makes him unable to live out of it. And if that perverseness be not regulated by laws, men's appetites to the same things, their avarice, their lust, their ambition would quickly make society as unsafe, or more, than solitude itself, and we should associate only to be nearer our misery and our ruin.

That, therefore, by which we accomplish the ends of a sociable life is our subjection and submission to laws: these are the nerves and sinews of every society or commonwealth, without which they must necessarily dissolve and fall asunder. And indeed (as Augustine says) those societies where law and justice is not are not commonwealths or kingdoms, but *magna latrocinia*, great confederacies of thieves and robbers. Those therefore that submit to no law are not to be reputed in the society of mankind, which cannot consist without a law. Therefore, Aristotle says, tyranny is against the law of nature, that is, the law of human society, in which human nature is preserved. For

this reason they deny a tyrant to be *partem civitatis*, for every part is subject to the whole, and a citizen (says the same author) is he who is as well obliged to the duty of obeying as he is capable of the power of commanding. And, indeed, he does obey whilst he does command, that is, he obeys the laws, which, says Tully, *magistratibus praesunt, ut magistratus praesunt populo*, are above the magistrates as the magistrates are above the people.

And therefore a tyrant that submits to no law, but his will and lust are the law by which he governs himself and others, is no magistrate, no citizen or member of any society, but an ulcer and a disease that destroys it; and, if it be rightly considered, a commonwealth, by falling into a tyranny, absolutely loses that name, and is actually another thing: *non est civitas quae unius est viri* (says Sophocles), that which is one man's is no city. For there is no longer king and people, or parliament and people, but those names are changed (at least their natures) into masters and servants, lords and slaves. And *servorum non civitas erit sed magna familia* (says Grotius): where all are slaves, 'tis not a city but a great family. And the truth is, we are all members of Whitehall, and when our master pleases he may send for us thither, and there bore through our ears at the door-posts. But to conclude, a tyrant, as we have said, being no part of the commonwealth, nor submitting to the laws of it, but making himself above all law, there is no reason he should have the protection that is due to a member of a commonwealth, nor any defence from laws, that does acknowledge none. He is therefore in all reason to be reckoned in the number of those savage beasts that fall not with others into any herd, that have no other defence but their own strength, making a prey of all that's weaker, and, by the same justice, being a prey to all that's stronger than themselves.

In the next place, let it be considered that a tyrant, making himself above all law, and defending his injustice by a strength which no power of magistrates is able to oppose, he becomes above all punishment, above all other justice than that he receives from the stroke of some generous hand. And, certainly, the safety of mankind were but ill provided for, if there were no kind of justice to reach great villainies, but tyrants should be *immanitate scelerum tuti*, secured by the greatness of their crimes. Our laws would be then but cobwebs indeed, made only to catch flies, but not to hold wasps or hornets; and it might be then said of all commonwealths what was said of

Athens, that there only small thieves were hanged, but the great ones were free, and condemned the rest. But he that will secure himself of all hands must know he secures himself from none. He that flies justice in the court must expect to find it in the street, and he that goes armed against every man arms every man against himself. *Bellum est in eos qui judiciis coerceri non possunt* (says Cicero), we have war with those against whom we can have no law. The same author: *cum duo sint decertandi genera*, etc.: there being two ways of deciding differences, the one by judgement and arbitration, the other by force, the one proper to men, the other to beasts, we must have recourse to the latter when the former cannot be obtained. And certainly, by the law of nature, *ubi cessat iudicium*, when no justice can be had, every man must be his own magistrate, and do justice for himself. For the law (says Grotius) that forbids me to pursue my right but by a course of law certainly supposes *ubi copia est iudicii*, [that one is] where law and justice is to be had: otherwise that law were a defence for injuries, not one against them, and, quite contrary to the nature of all laws, would become the protection of the guilty against the innocent, not of the innocent against the guilty.

Now, as it is contrary to the laws of God and nature that men, who are partial to themselves, and therefore unjust to others, should be their own judges where others are to be had, so it is contrary to the law of nature and the common safety of mankind, that when the law can have no place men should be forbidden to repel force by force, and so to be left without all defence and remedy against injuries. God himself left not the slave without remedy against the cruel master: and what analogy can it hold with reason, that the slave, that is but his master's money and but part of his household-stuff, should find redress against the injuries and insolencies of an imperious master, and a free people, who have no superior but their God, should have none at all against the injustice and oppression of a barbarous tyrant? And were not the incongruity fully as great, that the law of God permitting every man to kill a thief if he took him breaking open his house in the night, because then it might be supposed he could not bring him to justice, but a tyrant, that is the common robber of mankind, and whom no law can take hold on, his person should be *sacrosancta, cui nihil sacrum aut sanctum*, to whom nothing is sacred, nothing inviolable?

But the vulgar judge ridiculously, like themselves. The glister of things dazzles 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 sense, than to call him thief and kill him that comes alone or with a few to rob me, and to call him Lord Protector and obey him that robs me with regiments and troops? As if to rove with two or three ships were to be a pirate, but with fifty an admiral? But if it be the number of adherents only, not the cause, that makes the difference between a robber and a Protector, I wish that number were defined, that we might know where the thief ends and the prince begins, and be able to distinguish between a robbery and a tax.

But sure, no Englishman can be ignorant that it is his birthright to be master of his own estate, and that none can command any part of it but by his own grant and consent, either made expressly by himself, or virtually by a parliament. All other ways are mere robberies in other names: *auferre, trucidare, rapere, falsis nominibus imperium atque, ubi solitudinem faciunt, pacem apellant*, to rob, to extort, to murder tyrants falsely called to govern, and to make desolation they call to settle peace. In every assessment we are robbed: the excise is robbery, the custom's robbery, and, without doubt, whenever 'tis prudent, 'tis always lawful to kill the thieves whom we can bring to no other justice. And not only lawful, and to do ourselves right, but glorious, and to deserve [praise] of mankind, to free the world of that common robber, that universal pirate, under whom, and for whom, these lesser beasts prey. This firebrand I would have any way extinguished. This ulcer I would have any hand to lance. And I cannot doubt but God will suddenly sanctify some hand to do it, and bring down that bloody and deceitful man, who lives not only to the misery, but the infamy of our nation.

I should have reason to be much less confident of the justice of this opinion if it were new and only grounded upon collections and interpretations of my own. But herein, if I am deceived, I shall however have the excuse to have been drawn into that error by the examples that are left us by the greatest and most virtuous, and the opinions of the wisest and gravest men that have left their memories to posterity. Out of the great plenty of confirmations I could bring for this opinion from examples and authorities I shall select a very few: for manifest truths have not need of those supports, and I have as little mind to tire myself as my reader.

First, therefore, a usurper that by only force possesses himself of government, and by force only keeps it, is yet in the state of war with

every man, says the learned Grotius; and therefore everything is lawful against him that is lawful against an open enemy, whom every private man has a right to kill. *Hostis hostem occidere volui*, says Scaevola to Porsena, when he was taken after he had failed in his attempt to kill him: I am an enemy, and an enemy I would have killed, which every man has a right to do.

Contra publicos hostes et majestatis reos, omnis homo miles est, says Tertullian: against common enemies and those that are traitors to the commonwealth, every man is a soldier. This opinion the most celebrated nations have approved, both by their laws and practices. The Grecians (as Xenophon tells us), who suffered not murderers to come into their temples, in those very temples they erected statues to those that killed tyrants, thinking it fit to place their deliverers amongst their gods. Cicero was an eyewitness of the honours that were done such men: *Graeci homines*, etc. — 'the Greeks', says he, 'attribute the honours of the gods to those that killed tyrants. What have I seen in Athens and other cities of Greece! What religion paid to such men! What songs! What elegies! By which they are consecrated to immortality and almost deified!' In Athens, by Solon's law, death was not only decreed for the tyrant that oppressed the state, but for all those that took any charge, or did bear any office while the tyranny remained. And Plato tells us the ordinary course they took with tyrants in Greece. If, says he, the tyrant cannot be expelled by accusing him to the citizens, then by secret practices they dispatch him.

Amongst the Romans the Valerian law was *si quis injussu populi* etc.: whosoever took magistracy upon him without the command of the people, it was lawful for any man to kill him. Plutarch makes this law more severe, *ut injudicatum occidere eum liceret qui dominatum concupisceret*: that it was lawful by that law, before any judgement passed, to kill him that but aspired to tyranny. Likewise the consular law which was made after the suppression of the tyranny of the decemvirate made it lawful to kill any man that went about to create magistrates, *sine provocatione*, etc.: without reference and appeal to the people. By these laws and innumerable testimonies of authors, it appears that the Romans, with the rest of their philosophy, had learned from the Grecians what was the natural remedy against a tyrant. Nor did they honour those less that durst apply it. Who, as Polybius says, speaking of conspiracies against tyrants, were not *deterrimi civium, sed generosissimi quique, et maximi animi*: not the worst

and meanest of the citizens, but the most generous, and those of greatest virtue. So were most of those that conspired against Julius Caesar. He himself thought Brutus worthy to succeed him in the empire of the world; and Cicero, who had the title of *pater patriae*, if he were not conscious of the design, yet he at least affected the honour of being thought so. *Quae enim res unquam*, etc.: 'what act,' says he, 'O Jupiter, more glorious, more worthy of eternal memory, has been done, not only in this city but in the whole world! In this design, as the Trojan horse, I willingly suffer myself to be included with the princes.' In the same place he tells us what all virtuous Romans thought of the fact as well as he: *Omnes boni, quantum in ipsis fuit, Caesarem occiderunt; aliis consilium, aliis animus, aliis occasio defuit, voluntas nemini* — all good men, says he, as much as in them lay, killed Caesar. Some wanted capacity, some courage, others opportunity, but none the will to do it.

But yet we have not declared the extent of their severity against a tyrant. They exposed him to fraud as well as force, and left him no security in oaths and compacts, that neither law nor religion might defend him that violated both. *Cum tyranno Romanis nulla fides, nulla juris jurandi religio*, says Brutus in Appian: with a tyrant the Romans think no faith to be kept, observe no religion of an oath. Seneca gives the reason: *quia quicquid erat, quo mihi cobraeretur*, etc.: for whatever there was of mutual obligation betwixt us, his destroying the laws of human society has dissolved. So these that thought that there was *in hostem nefas*, that a villainy might be committed against an enemy, these that professed *non minus juste quam fortiter arma gerere*, to manage their arms with justice as well as courage, these that thought faith was to be kept even with the perfidious, yet they thought a tyrant could receive no injustice but to be let live, and that the most lawful way to destroy him was the readiest. No matter whether by force or fraud, for against beasts of prey men use the toil and the net, as well as the spear and the lance. But so great was their detestation of a tyrant that it made some take their opinions from their passions, and vent things which they could but ill justify to their morality. They thought a tyrant had so absolutely forfeited all title to humanity and all kind of protection they could give him or his that they left his wife without any other guard for her chastity but age and deformity, and thought it not adultery what was committed with her. Many more testimonies might I bring, for 'tis harder to make choice than

to find plenty, but I shall conclude with authorities that are much more authentic, and examples which we may much more safely imitate.

The law of God itself decreed certain death to that man that would do presumptuously and submit to no decision of justice. Who can read this and think a tyrant ought to live? But certainly neither that, nor any other law, were to any effect, if there were no way to put it in execution. But in a tyrant's case process and citation have no place; and if we will only have formal remedies against him, we are sure to have none. There's small hope of justice where the malefactor has a power to condemn the judge.

All remedy, therefore, against a tyrant is Ehud's dagger, without which all our laws were fruitless and we helpless. This is that High Court of Justice where Moses brought the Egyptian; whither Ehud brought Eglon; Samson, the Philistines; Samuel, Agag; and Jehoiada, the she-tyrant Athaliah.

Let us a little consider in particular these several examples, and see whether they may be proportioned to our purpose.

First, as to the case of Moses and the Egyptian: certainly every Englishman has as much call as Moses, and more cause than he, to slay this Egyptian that is always laying on burdens, and always smiting both our brethren and ourselves. For as to his call, he had no other that we read of, but the necessity his brother stood in of his help. He looked on his brethren's burdens, and seeing an Egyptian smiting an Hebrew, knowing he was out of the reach of all other kind of justice, he slew him.

Certainly this was and is as lawful for any man to do as it was for Moses, who was then but a private man, and had no authority for what he did but what the law of nature gives every man: to oppose force to force and to make justice where he finds none. As to the cause of that action, we have much more to say than Moses had. He saw one Hebrew smitten, we many English men murdered; he saw his brethren's burdens and their blows, we our brethren's burdens, imprisonments, and deaths. Now sure, if it were lawful for Moses to kill that Egyptian that oppressed one man, being there was no way to procure an ordinary course of justice against him, it cannot be but absurd to think it unlawful to kill him that oppresses a whole nation, and one that justice as little reaches as it defends.

The remedy of Ehud shows us the natural and almost the only

remedy against a tyrant, and the way to free an oppressed people from the slavery of an insulting Moabite: 'tis done by prayers and tears, with the help of a dagger, by crying to the Lord, and the left hand of an Ehud. Devotion and action go well together, for believe it, a tyrant is not of that kind of devil that is to be cast out by only fasting and prayer. And here the Scripture shows us what the Lord thought a fit message to send a tyrant from himself: a dagger of a cubit in his belly. And every worthy man that desires to be an Ehud, a deliverer of his country, will strive to be the messenger.

We may here likewise observe in this and many places of Judges that when the Israelites fell to idolatry, which of all sins certainly is one of the greatest, God Almighty, to proportion the punishment and the offence, still delivered them into the hands of tyrants, which sure is one of the greatest of all plagues.

In the story of Samson, 'tis manifest that the denying him his wife, and after the burning her and her father, which, though they were great, yet were but private injuries, he took for sufficient grounds to make war upon the Philistines, being himself but a private man, and not only not assisted but opposed by his servile countrymen. He knew what the law of nature allowed him where other laws have no place, and thought it a sufficient justification for smiting the Philistines hip and thigh to answer for himself that, as they did unto him, so had he done unto them.

Now that which was lawful for Samson to do against many oppressors, why is it unlawful for us to do against one? Are our injuries less? Our friends and relations are daily murdered before our faces. Have we other ways for reparation? Let them be named and I am silenced. But if we have none, the firebrands or the jaw-bone, the first weapons our just fury can lay hold on, may certainly be lawfully employed against that circumcised Philistine that oppresses us. We have too the opposition and discouragements that Samson had, and therefore have the more need of his courage and resolution. As he had the men of Judah, so we have the men of Levi crying to us out of the pulpit, as from the top of the rock Etam, 'Know you not that the Philistine is a ruler over you?' The truth is, they would fain make him so, and bind us with Samson in new cords; but we hope they will become as flax, and that they will either loose from our hands, or we shall have the courage to cut them.

Upon the same grounds of retaliation did Samuel do justice with

his own hand upon the tyrant Agag. As thy sword, says the prophet, has made women childless, so shall thy mother be childless amongst women: nor is there any law more natural and more just.

How many mothers has our Agag, for his own ambition, made childless? How many children fatherless? How many have this reason to hew this Amalekite in pieces before the Lord? And let his own relations, and all theirs that are confederates with him, beware, lest men come at last to revenge their own relations in them. They make many a woman husbandless, many a father childless. Their wives may come at last to know what 'tis to want a husband, and themselves to lose their children. Let them remember what their great apostle Machiavelli tells them, that in contestations for the preserving their liberty, people many times use moderation; but when they come to vindicate it, their rigour exceeds all mean, like beasts that have been kept up and are afterwards let loose, they always are more fierce and cruel.

To conclude with the example Jehoiada has left us: six years he hid the right heir of the crown in the house of the Lord, and, without all doubt, amongst the rest of God's services there he was all that time contriving the destruction of the tyrant that had aspired to the crown by the destruction of those that had the right to it. Jehoiada had no pretence to authorize this action but the equity and justice of the act itself. He pretended no immediate command from God for what he did, nor any authority from the Sanhedrin, and therefore any man might have done what Jehoiada did as lawfully, and could have done it as effectually. Now what citation was given to Athaliah, what appearance was she called to before any court of justice? Her fact was her trial. She was without any expostulation taken forth of the ranges, and only let live till she got out of the Temple that that holy place might not be defiled by the blood of a tyrant, which was fitter to be shed on a dung-hill; and so they slew her at the Horse-gate. And by the King's house, the very Whitehall, where she had caused the blood royal to be spilt, and which herself had so long unjustly possessed, there by Providence did she receive her punishment, where she had acted so great a part of her crimes. How the people approved of this glorious action of destroying a tyrant, this chapter tells us at the last verse: 'And all the people of the land rejoiced, and the city was quiet, after they had slain Athaliah with the sword.' And that it may appear they no less honoured the authors of such actions than other nations did, as in his lifetime they obeyed Jehoiada as a king,

so after his death, for the good he had done in Israel (says the Scripture), they buried him amongst the kings.

I must not conclude this story without observing that Jehoiada commanded that whosoever followed Athaliah should be put to death, letting us see what they deserve that are confederates with tyrants and will side with them, and but appear to defend them or allow them. His Highness his council, his junto, and the agas of his janizaries may, if they please, take notice of this, and repent, lest they likewise perish. And likewise his Highness his chaplains, and triers, who are to admit none into the ministry that will preach liberty with the gospel, may, if they think fit, observe that with the tyrant fell Mattan, the priest of Baal. And indeed none but Baal's priests will preach for tyrants. And certainly those priests that sacrifice to our Baal, our idol of a magistrate, deserves as well to be hanged before their pulpits as ever Mattan did to fall before his altars.

I should think now I had said much more than enough to the second question, and should come to the third and last I proposed in my method, but I meet with two objections lying in my way. The first is:

Objection One

That these examples out of Scripture are of men that were inspired of God, and that therefore they had that call and authority for their actions, which we cannot pretend to, so that it would be unsafe for us to draw their actions into examples, except we had likewise their justification to allege.

Objection Two

The other objection is that there being now no opposition made to the government of his Highness, that the people following their callings and traffic, at home and abroad, making use of the laws, and appealing to his Highness's courts of justice, that all this argues the people's tacit consent to the government, and that therefore now 'tis to be reputed lawful, and the people's obedience voluntary.

Solution One

To the first I answer with learned Milton, that if God commanded these things, 'tis a sign they were lawful and are commendable. But secondly, as I observed in the relations of the examples themselves, neither Samson nor Samuel alleged any other cause or reason for what they did but retaliation and the apparent justice of the actions

themselves. Nor had God appeared to Moses in the bush when he slew the Egyptian; nor did Jehoiada allege any prophetic authority or other call to do what he did, but that common call which all men have, to do all actions of justice that are within their power, when the ordinary course of justice ceases.

Solution Two

To the second my answer is that if commerce and pleadings were enough to argue the people's consent, and give tyranny the name of government, there was never yet any tyranny of many weeks' standing in this world. Certainly we then extremely wrong Caligula and Nero in calling them tyrants, and they were rebels that conspired against them; except we will believe that all the while they reigned in Rome they kept their shops shut, and opened not their temples, or their courts. We are likewise with no less absurdity to imagine that the whole eighteen years' time which Israel served Eglon, and six years that Athaliah reigned, that the Israelites quite desisted from traffic, pleadings and all public acts: otherwise Ehud and Jehoiada were both traitors, the one for killing his king, the other his queen.

Third Question

Having showed what a tyrant is, his marks and practices, I can scarce persuade myself to say anything to that I made my third question, whether the removing him is like to prove of advantage to the commonwealth or not? For methinks 'tis to inquire whether 'tis better the man die, or the imposthume be lanced, or the gangrened limb be cut off? But yet there be some whose cowardice and avarice furnish them with some arguments to the contrary, and they would fain make the world believe that to be base and degenerate is to be cautious and prudent, and what is in truth a servile fear they falsely call a Christian patience. It will not be therefore amiss to make appear that there is indeed that necessity which we think there is, of saving the vineyard of the commonwealth, if possible, by destroying the wild boar that is broke into it. We have already showed that it is lawful, and now we shall see whether it is expedient.

First, I have already told you that to be under a tyrant is not to be a commonwealth, but a great family, consisting of master and slaves. *Vir bone [sic] servorum nulla est usquam civitas*, says an old poet: a number of slaves makes not a city. So that whilst this monster lives we are not members of a commonwealth, but only his living tools

and instruments, which he may employ to what use he pleases. *Servi tua est fortuna, ratio ad te nihil*, says another: thy condition is a slave's; thou art not to inquire a reason. Nor must we think we can continue long in the condition of slaves and not degenerate into the habits and temper that is natural to that condition: our minds will grow low with our fortune, and by being accustomed to live like slaves we shall become unfit to be anything else. *Etiam fera animalia si clausa teneas virtutis obliviscuntur*, says Tacitus: the fiercest creatures by long constraint lose their courage. And, says Sir Francis Bacon, the blessing of Issachar and that of Judah falls not upon one people, to be asses crouching under burdens, and to have the spirit of lions. And with their courage, 'tis no wonder if they lose their fortune, as the effect with the cause, and act as ignominiously abroad as they suffer at home. 'Tis Machiavelli's observation that the Roman armies that were always victorious under consuls, all the while they were under the slavery of the decemviri never prospered. And certainly people have reason to fight but faintly where they are to gain the victory against themselves, when every success shall be a confirmation of their slavery, and a new link to their chain.

But we shall not only lose our courage, which is a useless and an unsafe virtue under a tyrant, but by degrees we shall, after the example of our master, all turn perfidious, deceitful, irreligious, flatterers, and what ever else is villainous and infamous in mankind. See but to what a degree we are come to already. Can there any oath be found so fortified by all religious ties which we easily find not a distinction to break, when either profit or danger persuades us to it? Do we remember any engagements? Or, if we do, have we any shame to break them? Can any man think with patience upon what we have professed when he sees what we vilely do and tamely suffer? What have we of nobility amongst us but the name, the luxury and vices of it? Poor wretches, these that now carry that title are so far from having any of the virtues that should grace, and indeed give them, their titles that they have not so much as the generous vices that attend greatness: they have lost all ambition and indignation. As for our ministers, what have they, or indeed desire they, of their calling, but the tithes? How do these horrid prevaricators search for distinctions to piece [peace?] contrary oaths? How do they rake Scriptures for flatteries and impudently apply them to his monstrous Highness? What is the city but a great tame beast that eats and

carries, and cares not who rides it? What's the thing called a Parliament but a mock? Composed of a people that are only suffered to sit there because they are known to have no virtue, after the exclusion of all others that were but suspected to have any? What are they but pimps of tyranny, who are only employed to draw in the people to prostitute their liberty? What will not the army fight for? What will they not fight against? What are they but janizaries, slaves themselves, and making all others so? What are the people in general but knaves, fools and cowards, principled for ease, vice and slavery? This our temper, his tyranny had brought us to already; and if it continues the little virtue that is yet left to stock the nation must totally extinguish, and then his Highness had completed his work to reformation. And the truth is, till then his Highness cannot be secure. He must not endure virtue, for that will not endure him. He that will maintain tyranny must kill Brutus, says Machiavelli. A tyrant, says Plato, must dispatch all virtuous persons, or he cannot be safe; so that he is brought to that unhappy necessity, either to live among base and wicked persons, or not to live at all.

Nor must we expect any cure from our patience. *Inganno si gli huomini*, says Machiavelli, *credendo con la humilita vincere la superbia*. Men deceive themselves, that think to mollify arrogancy with humility. A tyrant's never modest but when he's weak. 'Tis in the winter of his fortune when this serpent bites not: we must not therefore suffer ourselves to be cozened with hopes of his amendment. For *nemo unquam imperium flagitio quaesitum, bonis artibus exercuit* [Tacitus]: never did any man manage that government with justice, that got it by villainy. The longer the tyrant lives, the more the tyrannical humour increases in him, says Plato, like those beasts that grow more cursed as they grow old. New occasions daily happen that necessitate them to new mischiefs, and he must defend one villainy with another.

But suppose the contrary of all this, and that his Highness were *vi dominationis convulsus, et mutatus*, changed to the better by great fortune (of which yet he gives no symptoms). What, notwithstanding, could be more miserable than to have no other security for our liberty, no other law for our safety, than the will of a man, though the most just living? We have all our beast within us, and whosoever (says Aristotle) is governed by a man without a law is governed by a man and by a beast. *Etiam si non sit molestus dominus, tamen est miserrimum posse si velit*, says Tully: though a master does not tyrannize, yet 'tis a most

miserable thing that 'tis in his power to do so if he will. If he be good, so was Nero for five years, and how shall we be secure that he will not change? Besides, the power that is allowed to a good man, we may be sure will be claimed and taken by an ill. And therefore it has been the custom of good princes to abridge their own power, it may be distrusting themselves, but certainly fearing their successors, to the chance of whose being virtuous, they would not hazard the welfare of their people. An unlimited power therefore is to be trusted to none; which, if it does not find a tyrant, commonly makes one; or, if one uses it modestly, 'tis no argument that others will; and therefore Augustus Caesar must have no greater power given him than you would have Tiberius take. And Cicero's moderation is to be trusted with a consideration, that there are others to be consuls, as well as he.

But before I press this business further, if it needs be any further pressed, that we should endeavour to rescue the honour, the virtue and liberty of our nation, I shall answer to some few objections that have occurred to me. This I shall do very briefly.

Some I find of a strange opinion, that it were a generous and a noble action to kill his Highness in the field, but to do it privately they think it unlawful, but know not why. As if it were not generous to apprehend a thief till his sword were drawn, and he in a posture to defend himself and kill me. But these people do not consider that whosoever is possessed of power any time will be sure to engage so many either in guilt, or profit, or both, that to go about to throw him out by open force will very much hazard the total ruin of the Commonwealth. A tyrant is a devil that tears the body in the excorizing; and they are all of Caligula's temper, that if they could, they would have the whole frame of nature fall with them. 'Tis an opinion that deserves no other refutation than the manifest absurdity of itself, that it should be lawful for me to destroy a tyrant with hazard, blood, and confusion, but not without.

Another objection, and more common, is the fear of what may succeed if his Highness were removed. One would think the world were bewitched. I am fallen into a ditch, where I shall certainly perish if I lie, but I refuse to be helped out for fear of falling into another. I suffer a certain misery for fear of a contingent one, and let the disease kill me, because there is hazard in the cure. Is not this that ridiculous policy, *ne moriari, mori*: to die for fear of dying. Sure, 'tis frenzy not to desire a change when we are sure we cannot

be worse; *et non incurrere in pericula, ubi quiescenti paria metuuntur*: and not then to hazard, when the danger and the mischiefs are the same in lying still.

Hitherto I have spoken in general to all Englishmen. Now I address my discourse particularly to those that certainly best deserve that name: ourselves, that have fought, however unfortunately, for our liberties under this tyrant; and in the end, cozened by his oaths and tears, have purchased nothing but our slavery with the price of our blood. To us particularly it belongs to bring this monster to justice, whom he has made the instruments of his villainy, and sharers in the curse and detestation that is due to himself from all good men. Others only have their liberty to vindicate; we, our liberty and our honour. We engaged to the people with him, and to the people for him, and from our hands they may justly expect a satisfaction of punishment, being they cannot have that of performance. What the people at present endure, and posterity shall suffer, will be all laid at our doors: for only we under God have the power to pull down this Dagon which we have set up. And if we do it not all mankind will repute us approvers of all the villainies he has done, and authors of all to come. Shall we that would not endure a king attempting tyranny, shall we suffer a professed tyrant? We that resisted the lion assailing us, shall we submit to the wolf tearing us? If there be no remedy to be found, we have great reason to exclaim *utinam te potius (Carole) retinuissemus quam hunc habuissemus, non quod ulla sit optanda servitus, sed quod ex dignitate domini minus turpis est conditio servi* [Cicero]: we wish we had rather endured thee (*O Charles*) than have been condemned to this mean tyrant; not that we desire any kind of slavery, but that the quality of the master something graces the condition of the slave.

But if we consider it rightly, what our duty, our engagements, and our honour exact from us, both our safety and our interest oblige us to, and 'tis as unanswerable, in us, to discretion as 'tis to virtue to let this viper live. For, first, he knows very well 'tis only we that have the power to hurt him, and therefore of us he will take any course to secure himself: he is conscious to himself how falsely and perfidiously he has dealt with us, and therefore he will always fear that from our revenge which he knows he has so well deserved.

Lastly, he knows our principles, how directly contrary they are to that arbitrary power he must govern by, and therefore he may reasonably suspect that we that have already ventured our lives against

tyranny will always have the will, when we have the opportunity, to do the same again.

These considerations will easily persuade him to secure himself of us, if we prevent him not, and secure ourselves of him. He reads in his practice of piety [i.e. Machiavelli] *chi diviene patron*, etc.: he that makes himself master of a city that has been accustomed to liberty, if he destroys it not, he must expect to be destroyed by it. And we may read too in the same author, and believe him, that those that are the occasion that one becomes powerful, [one] always ruins them, if they want the wit and courage to secure themselves.

Now as to our interest: we must never expect that he will ever trust those that he has provoked and seared. He will be sure to keep us down, lest we should pluck down him. 'Tis the rule that tyrants observe, when they are in power, never to make much use of those that helped them to it, and indeed 'tis their interest and security not to do it: for those that have been the authors of their greatness, being conscious of their own merit, they are bold with the tyrant, and less industrious to please him. They think all he can do for them is their due, and still they expect more: and when they fail in their expectations (as 'tis impossible to satisfy them) their disappointment makes them discontented, and their discontents dangerous. Therefore all tyrants follow the example of Dionysius, who was said to use his friends as he did his bottles: when he had use for them, he kept them by him; when he had none, that they would not trouble him and lie in his way, he hung them up.

But to conclude this already over-long paper, let every man to whom God has given the spirit of wisdom and courage be persuaded by his honour, his safety, his own good and his country's, and indeed the duty he owes to his generation, and to mankind, to endeavour by all rational means to free the world of this pest. Let not other nations have the occasion to think so meanly of us, as if we resolved to sit still and have our ears bored, or that any discouragement or disappointments can ever make us desist from attempting our liberty, till we have purchased it, either by this monster's death, or by our own. Our nation is not yet so barren of virtue that we want noble examples to follow amongst ourselves. The brave Sindercombe has showed as great a mind as any old Rome could boast of; and had he lived there his name had been registered with Brutus and Cato, and he had had his statues as well as they.

But I will not have so sinister an opinion of ourselves (as little generosity as slavery has left us) as to think so great a virtue can want its monuments, even amongst us. Certainly in every virtuous mind there are statues reared to Sindercombe. Whenever we read the elegies of those that have died for their country, when we admire those great examples of magnanimity that have tired tyrants' cruelties, when we extol their constancy whom neither bribes nor terrors could make betray their friends, 'tis then we erect Sindercombe statues, and grave him monument. Where all that can be said of a great and noble mind [is said], we justly make an epitaph for him. And though the tyrant caused him to be smothered, lest the people should hinder an open murder, yet he will never be able either to smother his memory, or his own villainy. His poison was but a poor and common device to impose only on those that understood not tyrant's practices, and are unacquainted (if any be) with his cruelties and falsehoods. He may therefore, if he please, take away the stake from Sindercombe's grave; and, if he have a mind it should be known how he died, let him send thither the pillows and feather-beds with which Barkstead and his hangman smothered him.

But, to conclude, let not this monster think himself the more secure, that he has suppressed one great spirit: he may be confident that *longus post illum sequitur ordo idem petentium decus*: there's a great roll behind, even of those that are in his own muster-rolls, that are ambitious of the name of the deliverers of their country, and they know what the action is that will purchase it. His bed, his table is not secure; and he stands in need of other guards to defend him against his own. Death and destruction pursues him wheresoever he goes: they follow him everywhere like his fellow-travellers, and at last they will come upon him like armed men. Darkness is hid in his secret places. A fire not blown shall consume him; it shall go ill with him that is left in his tabernacle. He shall flee from the iron weapon, and a bow of steel shall strike him through. Because he has oppressed and forsaken the poor, because he has violently taken away a house which he builded not, we may be confident – and so may he – that ere long all this will be accomplished. For the triumphing of the wicked is but short, and the joy of the hypocrite but for a moment. Though his Excellency mount up to the Heavens, and his head reaches unto the clouds, yet he shall perish for ever, like his own dung. They that have seen him shall say: Where is he?

Courteous Reader,
Expect another sheet or two of paper of this subject if I escape the tyrant's hands, although he gets (in the interim) the crown upon his head, which he has (underhand) put his confederates on to petition his acceptance thereof.

NOTES ON THE TEXTS

1. Ascham, *Of the Confusions and Revolutions of Governments* (1649): First edition, *A Discourse: Wherein is Examined, What is Particularly Lawfull during the Confusions and Revolutions of Government* (1648 (2 edns.), 1689); revised edition, *Of the Confusions . . .* 1649; facsimile reprint of this edition, Delmar, N.Y., 1975.
2. Sanderson, *A Resolution of Conscience* (1649): Reprinted in [A. Ascham], *A Reply to a Paper of Dr. Sanderson's* (1650); in G. D'Oyly, *Life of W. Sancroft* (two vols., Oxford, 1821, 1840) and in Sanderson's *Works* (six vols., Oxford, 1854).
- 3, 4. *Act for the Abolishing the Kingly Office* (1649) and *Act for Subscribing the Engagement* (1650): The standard edition is C. H. Firth and R. S. Rait (eds.), *Acts and Ordinances of the Interregnum, 1642-60* (three vols., London, 1911). I have also consulted the text given in J. P. Kenyon (ed.), *The Stuart Constitution* (Cambridge, 1966).
5. *Some Scruples of Conscience* (1650): Printed in J. Dury, *Objections Against the Taking of the Engagement Answered* (1650), and reprinted here for the first time.
6. Allen [Sexby], *Killing Noe Murder*: 1657 (printed in the Low Countries); 1658 (French translation; Brussels?); 1659 (Brussels?), with appendix by S. Titus; 1689 (two editions, each surviving in two states; one of the two editions attributed to S. Titus). Apart from these seventeenth-century editions, O. Lutaud, *Des révolutions d'Angleterre à la Révolution française* (The Hague, 1973), lists a further seventeen English editions and five French editions, plus five editions of the epistle dedicatory to Cromwell, prior to his own re-edition of the first English and French editions.

FURTHER READING

The political events which led to the trial and execution of the king and the establishment of the Commonwealth are brilliantly analysed in D. Underdown, *Pride's Purge* (Oxford, 1971). The best modern account of the trial is C. V. Wedgwood, *The Trial of Charles I* (London, 1964).

The most famous of the spokesmen for the Commonwealth was, of course, John Milton. Two accounts of Milton in relationship to the Civil War are C. Hill, *Milton and the English Revolution* (London, 1977), and A. Milner, *John Milton and the English Revolution* (London, 1981). Milton's defences of tyrannicide are in M. Y. Hughes (ed.), *The Complete Prose Works of John Milton*, vol. III (New Haven, 1962).

The literature of the Engagement controversy has been detailed by J. M. Wallace, 'The Engagement Controversy, 1649-52', *Bulletin of the New York Public Library*, LXVIII (1964), pp. 384-405. Accounts of the controversy are to be found in the same author's *Destiny His Choice: The Loyatism of Andrew Marvell* (Cambridge, 1968), and M. A. Judson, *From Tradition to Political Reality, 1649-53* (Hamden, Conn., 1980). Two tracts defending the Engagement which have been reprinted are M. Nedham, *The Case of the Commonwealth of England, Stated*, ed. P. A. Knachel (Charlottesville, 1969) and J. Dury, *Considerations Concerning the Present Engagement* (Exeter, 1979).

Current interest in the Engagement controversy derives in large part from the fact that Quentin Skinner has argued in a number of overlapping studies that Hobbes's *Leviathan* should be read in the light of it: 'The Ideological Context of Hobbes's Political Thought', *Historical Journal*, 1x (1966), pp. 286-317; 'Conquest and Consent: Thomas Hobbes and the Engagement Controversy', in G. E. Aylmer (ed.), *The Interregnum* (London, 1972); 'The Context of Hobbes's Theory of Political Obligation', in R. S. Peters and M. Cranston (eds.), *Hobbes and Rousseau* (New York, 1972). Skinner's account both of Hobbes and the controversy is criticized by S. A. State in 'Text and Context: Skinner, Hobbes and Theistic Natural Law', *Historical Journal*, xxviii (1985), pp. 27-50.

There is a seventeenth-century biography of Sanderson by Izaak Walton and a modern study by K. Kelly (*Conscience: Dictator or Guide?* (London, 1967)). On *Killing Noe Murder* there is O. Lutaud, *Des révolutions d'Angleterre à la Révolution française* (The Hague, 1973).