



MILTON'S TENURE OF KINGS AND MAGISTRATES: AN ANALYSIS

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Abstract

*The present paper is an attempt to search Milton's ethico-political aims and religious duties reflected through his prose work *The Tenure of Kings and Magistrates*. This article also tries to look in to the depth of the view of the writer that "the people had the write to depose and punish tyrants", expressed in the above mentioned pamphlet.*

Keywords: *political, religious, tenure, king, magistrate, depose, execute.*



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John Milton (1608-1674) has been a noted historian, scholar, pamphleteer, and civil servant far the parliamentarians and the puritan common wealth. He was a man of contradictions, a classical humanist and a radical revolutionary; a man of action and of contemplation; a lyric poet and a writer of polemical, political treatises; a poet of the cult of chastity " and an advocate for divorce. In his own lifetime, he was regarded as a heretic, a "fornicator", a puritan saint, a misogynist, and a proto-feminist. He was regarded as poet's poet and the prose writer's writer; that is, he was deeply concerned about his artistic craft and the construction of his identity and future as writer. Milton continues to be a site of controversy about the ways in which the life of the poet intersects with his or her art. Milton ranks second only to Shakespeare among English poets; his writings and his influence are an important part of the history of English literature, culture, and libertarian thought Milton's Prose works are very important as a valuable interpretation of the puritan revolution, and they have their place in modern histories of political and religious thought, on Feb. 13, 1649, two weeks after the execution of Charles I, Milton's first political tract, " The Tenure of Kings and Magistrates" appeared. In it, he expounds the doctrine that power resides always in the people, who delegate it to a sovereign but may, if it is abused, resume it and depose or even execute the tyrant. A month later, he was invited to become secretary for foreign languages to Cromwell's council of state. Hitherto, a detached observer , Milton, in spite of his private studies, was doubtless eager to have a hand in the workings of government. He was not on the policy-making level, but he had the easy command of Latin needed for foreign

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correspondence. In addition, as a publicist of demonstrated sympathy with the revolution, he was expected to continue his defense of the course against the multiplying attacks on the regicides. “The Tenures of Kings and Magistrates” (TKM) tries to be several things at once—a closely argued and authoritatively supported treatise in political science, a Polemical Pamphlet, and an essay in biblical interpretation. In her recent ‘*The Life of Milton.*’ Barbara Lawalski describes its various generic elements: “several elements are intertwined here, some what disjointedly: castigations of backsliding Presbyterians rhetorical appeals to the fragmenting revolutionary parties, defenses of tyrannicide, and development of a republican political theory derived from classical and contemporary sources, and the Bible” (230). For all its claims to be chiefly a work of theory, there is much to be gained from reading it as an occasional piece, prompted by one of England’s most important political emergencies.

By December, 1648 King Charles I’s royalist forces had been utterly defeated by the parliamentary Army led by Generals Thomas Fairfax and Oliver Cromwell. Attempts to come to some promise with the King had all failed and there was very good reason to suspect that the king and his agents were negotiating (when they agreed to negotiate at all) in bad faith. Still many in Parliament, including some Presbyterians who had supported war against the King for nearly seven years, balked at the idea of trying King for nearly seven years, balked at the idea of trying King Charles I for treason, and deposing and executing him. Milton argues that these procedures, however radical they may appear, are nothing more than the logical and necessary extension of having waged a just war on a tyrant who remains unrepentant and a danger to the commonwealth.

On the sixth of December, 1648, Colonel Thomas Pride led troops into the House of Commons and forcibly ejected royalist and Presbyterian supporters of rapprochement with the King. The remaining members, known as the Rump Parliament empowered a Commission to try the King for treason; it found him guilty and deposed and executed him on January 30, 1649. Milton wrote *Tenure of kings and Magistrates* (TKM) at this moment in support of the Rump and the army. Though he argues forcefully for the right of a people to re-assume its natural and God-given right of popular sovereignty, he never addresses the crucial issue of whether the Rump or the Army that shaped it could justly be said to represent the sovereignty of a free born people. By March, Milton had been appointed to post

Secretary for (Foreign Tongues in the new commonwealth government shorn of the king though not entirely of monarchy) and the House of Lords.

The first edition of TKM is dated 1649 on its title page and runs to forty two quarto pages. The second edition runs to sixty quarto pages, adding a number of quotations, paraphrases, and citations from protestant authors, continental, English, and Scottish.

The Complete title from the 1650 edition is the *Tenure of Kings and Magistrates*: proving, that it is lawful, and has been held so through all ages, for any, Who have the power, to call to account a Tyrant, or wicked King, and after due Conviction, to depose, and put him to death, if the ordinary Magistrate have neglected, or deny'd to doe it. And that they, who of late so much blame Depositing, are the men that did it themselves published now the second time with some additions, and many Testimonies also added out of the best learnedest among protestant Divines asserting the position of this book.

It may do well to understand the background for Milton's Regicide tracts (*Tenure of Kings and Magistrates*) & *Eikonoklastes*).

The conflict between the parliament and the Army over what to do with the Captured and Imprisoned Charles was reaching a Critical Stage. Parliament was then resisting the idea of trying (and eventually executing) Charles, while the Army was pushing Parliament to do exactly that. On 12/06/1648, the Army staged a coup (Known as Pride's purge) That rid Parliament of its less cooperative members (Members opposed to the policies of Oliver Cromwell and Thomas Pride), and left a so-called "Rump" Parliament in place of the full parliament (Known as the "Long Parliament" because it had sat more or less continuously since 1640). The Rump Parliament ordered the trial of King Charles I and after his execution in 1649, they governed England through an executive council until 1653, when Cromwell dismissed Parliament and seized power as lord protector. After Cromwell's death, there were two attempts in 1659 to revive the Rump Parliament. In February 1660, the original Long parliament reassembled and voted its own dissolution.

The execution of Charles set off a firestorm of protest both from Presbyterians and from royalist supporters. On the very day king Charles was buried (Feb.08,1649), there appeared a book entitled *Eikon Basilike: the portraiture of His Sacred Majesty in His Solitudes and Sufferings*. This book (whose title translates as "the King's image") was popularly thought to be written by king Charles himself, though it was probably written by king Charles himself, though it was probably written by John Gauden, the King's Chaplain, with utmost a minimum of help from Charles. Within a year, this book went in to sixty editions in England and in Europe. It did what it was designed to do, by provoking an outpouring of sympathy and popular sentiment in favor of the executed King, who was in

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increasingly thought of as a martyr and saint. Executing Charles, rather than simply imprisoning him, eventually proved to be the single most self-destructive thing the new Commonwealth ever did”, by giving Charles martyr status, the commonwealth government sowed the seeds for the restoration of Charles II in 1660.

Tenure of Kings and Magistrates and *Eikonoklastes* and responses that attempt to justify the ways of the regicides to men.

Milton derives his justification for a right to rebel against, depose, and execute Charles I, partly from an appeal to “natural Law” what is natural law? is a set of principles, based on what are assumed to be the permanent characteristics of human nature, principles that can serve as a standard for evaluating conduct and civil laws. It is considered fundamentally unchanging and universally applicable. However, since the meaning of the word “nature” can vary from writer to writer, and from context to context, the concept of “natural law” varies as well. In the mid 17th century “natural Law” was appealed to frequently, by writers and propagandists at all points and of the General Council of officers.

To Finally break this stalemate, the Army staged a coup on Dec. 6, 1648. This coup, called Pride’s Purge, excluded the more uncooperative members of parliament, thereby leaving a body (the “Rump” parliament) that was more responsive to the wishes of the Army. This opened the way for the events to come. When it became clear that Charles would be placed on trial bitter responses were provoked from Royalists and Presbyterians alike. Even radical group such as the levelers opposed the trial of Charles.

Milton throws his support to the Army. He begins by attempting to discredit his Presbyterian opponents. Despite having initially urged the war against Charles, the Presbyterians are now hiding behind third article of the Solemn League and covenant (1643) that pledged them to safeguard both the King’s authority and his person. Milton argues that the Presbyterians have betrayed their own heritage; they have abandoned the theory of resistance, which they themselves espoused at the start of the Civil war and much, which was developed in their own sixteenth century history by figures such as John Knox and George Buchanan.

The Presbyterians were arguing for a distinction between the inferior magistrates and private persons where the issue of resistance to authority was concerned. They took the traditional Lutheran/Calvinist view that it was never lawful for private persons to take any political initiatives at all. Resistance to tyrannical rule was Lawful only for magistrates.

The Presbyterians in Parliament argued that since the Army had no legitimate political power; therefore, the Army ought to be regarded as no more than a collection of private persons. Presbyterians used this argument after the purge of parliament on 12/06/1649 to contend that Army's action had been illegal.

The position that private persons could never take political initiatives was not universal, however many writers upheld the distinction between inferior magistrate and private persons, while treating the issues of tyrannicide in such a way that allowed private persons to act in certain circumstances. This move usually depended upon a distinction between two different kinds of tyrant: tyrants by practice (legitimate rulers who had for some reason descended into tyranny) could only be resisted by the inferior magistrates. Tyrants by usurpation (for example, a foreign invader, or native who seized power in some illegitimate way) could be resisted by private persons acting in defense of their country. However if the usurper at any point gains or is granted legitimacy, any further resistance by private persons becomes unlawful. Milton denies the distinction between the two types of tyrant. There is for him, no difference between a foreign invader, a domestic usurper, or domestic ruler who becomes a tyrant. Denying the distinction between the legitimacy of political action by inferior magistrates and by private persons. Any tyrant may be punished and any tyrant may be punished by private citizens.

Milton uses the concept of natural Law to claim that though men “naturally were born free,” they formed “cities, Towns and commonwealths” in order to escape the violence which stemmed from the Fall by agreeing to “bind each other from mutual injury, and jointly to defend themselves against any that gave disturbance or opposition to such agreement.” Eventually it became necessary to “ordain some authority, that might restrain by force and punishment what was violated against peace and common right.”

Finally it became necessary to invest this authority either in one person (a King) or in man persons (magistrates). These rulers, however, ruled strictly at he behest of the people. Milton explicitly denies the idea that power is given to a King or magistrates directly from God, instead, he argues that this power of the rulers is entrusted to them by the people. (It is important however, to discern what his definition of “people” is). Tenure of Kings and magistrates is essentially Milton's response to the Presbyterians.

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