

## Anti-monarchism in English Republicanism

Martin Dzelzainis

In the Review and Conclusion to *Leviathan*, Thomas Hobbes sets out the terms on which individuals can submit to the new republican regime in England – an undertaking prompted, he says, by the failure of ‘divers English Books lately printed’ to explain properly the relationship between conquest and consent. Having remedied this failure, he then turns, somewhat abruptly and surprisingly, to remedy a lapse of his own. In Chapter 35 of *Leviathan* he had argued that when the scriptures spoke of the kingdom of God this was not to be interpreted metaphorically but taken literally, as signifying a commonwealth ‘wherein God was King, and the High Priest was to be (after the death of Moses) his sole Viceroy, or Lieutenant’ (Hobbes 1996: 282, 484; see Pocock 1973: 170-74). Hobbes now finds this account of the Jewish commonwealth incomplete in that he ‘omitted to set down who were the officers appointed to doe Execution; especially in Capitall Punishments’. What concerns him in particular is that the judicial practice whereby ‘he that was convicted of a capitall Crime, should be stoned to death by the People; and that the Witnesses should cast the first stone’ had not been ‘thoroughly understood’. More alarmingly still, Hobbes says, this in turn ‘hath given occasion to a dangerous opinion, that any man may kill another, in some cases, by a Right of Zeal; as if the Executions done upon offenders in the Kingdome of God in old time, proceeded not from the Sovereign Command, but from the Authority of Private Zeal’ (Hobbes 1996: 487).

Given that Hobbes’s political theory is in large measure designed to prevent any derogation whatsoever from the sovereign’s power, he could not allow this ‘dangerous opinion’ to go unchallenged. By way of countering the threat, Hobbes scrutinizes the relevant scriptural texts with the aim of showing that this supposed *ius zelotarum* is merely an illusion. For example, Numbers 25 tells of a time when ‘the people began to commit whoredom with the daughter of Moab’ thereby provoking the wrath of God. The plague is only averted when Phineas slays one such idolatrous couple who display themselves before Moses and ‘all the congregation of the children of Israel’. Gratified by this piece of summary justice, the Lord then instructs Moses to ‘give unto [Phineas] my covenant of peace’ (Numbers 25:1-10). But, Hobbes insists,

When Phinehas killed Zimri and Cosbi, it was not by right of Private Zeale: Their Crime was committed in the sight of the Assembly; there needed no Witnesse; the Law was known, and he the heir apparent to the Sovereignty; and which is the Principall point, the Lawfulnesse of his Act depended wholly upon a subsequent Ratification by Moses, whereof he had no cause to doubt (Hobbes 1996: 488).

Other texts are despatched similarly, leaving Hobbes free to conclude that there 'is nothing in all this, nor in any other part of the Bible, to countenance Executions by Private Zeale; which being oftentimes but a conjunction of Ignorance and Passion, is against both the Justice and Peace of a Common-wealth' (ibid.).

Unlike Hobbes's much-discussed intervention in the Engagement debate,<sup>1</sup> this passage has received barely any comment, despite the fact that it sits rather uncomfortably at the centre of the Review and Conclusion. Hobbes himself speaks only in cryptic (and, as we shall see, somewhat disingenuous) terms of his original omission being the result of 'not then thinking it a matter of so necessary consideration, as I find it since'. Given that Hobbes had completed the first thirty-seven chapters of *Leviathan* by May 1650 (see Hobbes 1996: x), Chapter 35 must have been written within sixteenth months of what he would have regarded as the most spectacular modern instance of summary justice, and a signal 'conjunction of Ignorance and Passion': the execution of Charles I. But if the regicide had not led Hobbes to discuss the *ius zelotarum* in Chapter 35, what had occurred in the interim to make the topic 'a matter of so necessary consideration' when he came to compose the Review and Conclusion in April 1651?

The immediate answer is that Hobbes's hand was forced - at a very late stage - by the putting into circulation of his earlier and very different thoughts on the *ius zelotarum*. On 12 March 1651, George Thomason obtained a copy of the recently-published *Philosophicall Rudiments Concerning Government and Society*; that is, the unauthorized English translation of Hobbes's *De Cive*, the Latin statement of his political philosophy which had first appeared in print in 1642, followed by a second, more widely-available edition in 1647 (on the date and status of the translation, see

---

<sup>1</sup> See, for example, Skinner 1974. More recently, however, it has been argued that Hobbes is 'essentially' not 'a defender of *de facto* power' (Skinner 1990: 146), and that, apart from the 'rather

Hobbes 1983a:15, and Tuck 1985). Chapter XVI of *De Cive* deals with the kingdom of God according to the old covenant, and section 15 in particular with the period of the Judges, when

The supreme civill power was therefore *Rightly* due by Gods own institution to the High-Priest; but actually that power was in the Prophets, to whom (being rayed by God in an extraordinary manner) the *Israelites* (a people greedy of the Prophets) submitted themselves to be protected, and judged, by reason of the great esteem they had of Prophecies. The Reason of this thing, was, because that though penalties were set, and Judges appointed in the institution of Gods priestly Kingdome, yet, the right of inflicting punishment, depended wholly on private judgement; and it belonged to a dissolute multitude, and each single Person, to punish or not punish according as their private zeale should stirre them up. And therefore *Moyses* by his own command punisht no man with death; but when any man was to be put to death, one or many stirred up the multitude against him or them, by divine authority, and saying, *Thus saith the Lord*.<sup>2</sup>

This is a reasonably accurate rendering of the original Latin (virtually identical in the two editions), despite the fact that the translator is alleged to have 'worked in an extremely slapdash manner', resulting in 'many mistranslations or misunderstandings of Hobbes's text'.<sup>3</sup> What it shows is that Hobbes was altogether untroubled by the

---

ephemeral' Review and Conclusion, '*Leviathan* related only minimally to the ideological context of the early 1650s' (Burgess 1990: 676, 692).

<sup>2</sup> Hobbes 1983b: 211. For the Latin, see Hobbes 1983a: 245: 'Facto autem potestas illa in Prophetis erat, quibus (à Deo extraordinarie suscitatis) Israelitiæ (gens Prophetarum auida) propter existimationem Prophetiæ protegendos se, & iudicandos subiecerunt. Ratio cuius rei erat, quod institutione Regni Dei Sacerdotalis, etsi pœnæ statutæ fuerint & Magistratus qui iudicarent; ius tamen pœnas sumendi dependebat ab arbitrio priuato. Et penes dissolutam multitudinem & singulos erat, punire vel non punire prout à priuato zelo excitarentur. Ideoque Moses, imperio proprio morte multauit neminem; sed quando interficiendus aliquis esset, vnus vel plures, in eum vel eos, (authoritate diuina, dicendoque, *Hoc dicit Dominus*) multitudinem concitauit.'

<sup>3</sup> Hobbes 1998: xxxvi. The new translation is as follows (198): 'In fact that power was in the hands of the Prophets (who were raised up by God outside the ordinary course of things); and the Israelites (a people avid of Prophets) submitted to them for protection and arbitration, because they had a high regard for Prophecy. And the reason for this was that by the institution of the Priestly Kingdom of God, although there were penalties laid down and Magistrates to give judgment, still the right to inflict punishment depended on private initiative. And it was up to the disunited multitude of the people and to individuals either to punish or not as they were prompted by private inclination. This was why Moses did not condemn anyone to death on his own authority; but when anyone was to be put to death

notion of 'private zeale' in November 1641, when the manuscript of *De Cive* was completed (see Hobbes 1983a: 76), and remained so until at least January 1647, when the second edition was published.<sup>4</sup> Or, to put it another way, throughout this period Hobbes remained fundamentally in agreement with the account of the *ius zelotarum* offered by Hugo Grotius in his *De Iure belli ac pacis* (1625). According to Grotius, it was a peculiarly Jewish relic of a right to punish that had originally belonged to each and every individual in the state of nature:

There remain some Footsteps of the antient Right in those Places, and amongst those Persons, who are not subject to any established Courts of Judicature; and even among those who are so subject, in some particular Cases. Thus by the Law of *Moses*, any private Man might upon the Spot, and with his own Hands, kill a *Jew* who had forsaken GOD and his Law, or who attempted to seduce his Brother to Idolatry. The *Hebrews* call this the *Judgment of Zeal*, which was first put in Execution by *Phineas*, and afterwards passed into a Custom.<sup>5</sup>

By the spring of 1651, however, this had become a 'dangerous opinion' which Hobbes was anxious to refute - all the more so because the *Philosophicall Rudiments* made it known to an English readership that it was an opinion he himself had once held, and, to all appearances, still did.<sup>6</sup>

---

(whether it was one man or several men), he relied upon divine authority to rouse the crowd against him or them, saying, *Thus saith the Lord.*'

<sup>4</sup> It should be noted, however, that Hobbes allowed the passage to stand unchanged when *De Cive* was later published as part of his *Opera philosophica* (see Hobbes 1668: sigs. TTT2'-3<sup>r</sup>/132-3 (third pagination)), while he deleted the Review and Conclusion from the accompanying Latin translation of *Leviathan*. Perhaps the conclusion to be drawn is that Hobbes was *au fond* a confirmed Grotian on the *ius zelotarum*, but wavered between 1649 and 1651.

<sup>5</sup> Grotius 1738: 414. For the original Latin, see Grotius 1625: 409: 'manent vestigia ac reliquiae prisci iuris in iis locis atque inter eas personas quae certis iudiciis non subsunt: ac praeterea in quibusdam casibus exceptis. Sic Hebraeorum moribus Hebraeus à Deo & Dei lege deficiens aut ducem se ad falsos cultus praebens illico à quouis homine poterat interfici. Iudicium Zeli id vocant Hebraei quod à Phinea primo exercitum aiunt, & inde abiisse in morem.'

<sup>6</sup> The fact that Hobbes placed himself in the Grotian camp on this issue makes Anthony Ascham's attack on him in *Of the Confusions and Revolutions of Governments* (November 1649) all the more puzzling. Arguing that 'such a totall resignation of all right and reason, as Mr. *Hobbes* supposes, is one of our morall impossibilities', Ascham points out that it is 'directly opposite to that antient *Ius zelotarum* among the *Jewes*', and goes on to cite Grotius *against* Hobbes (Ascham 1649: 121). Skinner suggests that by this time Ascham had read *De Cive* (see Skinner 1974: 94), which, in theory, was available to him in the Latin editions of 1642 and 1647, and in the French translation which Sorbière had completed by July 1649 (see Hobbes 1649: sig. \*\*1<sup>v</sup>). If so, then Ascham overlooked the significance of XVI.15. The alternative is that Ascham had access to a manuscript of Hobbes's *Elements of Law, Natural and Politic* (see Tuck 1979: 123), which does not discuss the *ius zelotarum*.

We should note, however, that there is evidence of mounting concern on Hobbes's part even *before* the unexpected appearance of *Philosophicall Rudiments*. In particular, the version of the passage in *Elemens philosophiques du citoyen* (1649), the authoritative French translation of *De Cive* by his friend, Samuel Sorbière, deliberately obfuscates matters at the crucial point (Hobbes 1649: 339-40; my emphasis):

La raison de celle estoit, que par l'establissement du regne Sacerdotal de Dieu, bien que des peines fussent ordonnées, & qu'il y eust des Magistrats establis pour rendre iustice; toutesfois le droit de punir dependoit de la volonté des particuliers; Et il estoit en la puissance d'une multitude déjoincte de faire, ou de ne pas faire supplice, suivant que les personnes privées se trouvoient poussées de zele, *ou animées de quelque passion*. C'est pourquoy nous ne voyons point que Moysse ait iamais fait mourir personne de sa propre autorité: mais quand il y en avoit quelques-uns dont il se vouloit defaire, il excitoit contr'eux la multitude, employant l'autorité divine, & disant que Dieu le commandoit ainsi.

Sorbière literally dismantles the concept of *zelus privatus*; first, by transferring the epithet 'private' from 'zeal' to 'persons' (now 'private persons', in conventional apposition to 'magistrates'); and then by adding the italicized phrase, 'or animated by some passion', which implies that zeal is just one of several possible impulses to action. Hobbes's own silence on the *ius zelotarum* in the body of *Leviathan* is no less eloquent. Not only does he not discuss it in Chapter 35, but he also fails to do so in Chapter 40 - the one that actually corresponds to Chapter XVI of *De Cive*. But the strategy of obfuscation and omission came unstuck once *Philosophicall Rudiments* was in the public domain; for what this made necessary was an open and unequivocal repudiation of the Grotian doctrine.<sup>7</sup>

However much Hobbes may have wished to bury the topic in silence, therefore, he was finally unable to do so. The improvisations forced upon Hobbes – usually the most systematic of thinkers - are nevertheless deeply instructive. For what

---

<sup>7</sup> The additional comments on Chapters 35 (private zeal) and 36 (the word of God) in the Review and Conclusion (Hobbes 1996: 487-9) appear to be a last-minute insertion: without them, the text reads continuously.

these manoeuvrings testify to is the crucial role of the notion of private zeal in the anti-monarchism of these years. As we shall see, much of the debate over the regicide, both at the time and subsequently, was conducted in terms of what the *ius zelotarum* did or did not entail. Even years later, when reviewing the events of the Civil War and Interregnum in *Behemoth*, Hobbes was still convinced that 'the interpretation of a verse in the Hebrew, Greek, or Latin Bible, is oftentimes the cause of civil war and the deposing and assassinating of God's anointed' (Hobbes 1990: 144). Furthermore, if this account of how the controversy surrounding the regicide thrust its way into the Review and Conclusion is correct, then it would also help to explain why Hobbes is so insistent upon the complexity of the ideological landscape which he has to traverse. Thus he fears for the reception of *Leviathan* at a time when 'much of that Doctrine, which serveth to the establishing of a new Government, must needs be contrary to that which conduced to the dissolution of the old'. And in the concluding paragraph of the work he again laments the inauspicious moment of *Leviathan's* publication in April 1651. Ironically invoking a superstition of exactly the kind which the work was meant to dispel, he remarks that 'there can be no very good Constellation for Truths of this nature to be born under, (as having an angry aspect from the dissolvers of an old Government, and seeing but the backs of them that erect a new;)' (Hobbes 1996: 489, 491).<sup>8</sup> Hobbes's astrological metaphor, implying that *Leviathan* came into the world under the sign of Gemini (which is literally true), applies also to the infancy of the English republic. This was a period when, so Hobbes thinks, politics faced two ways simultaneously.

But if Hobbes was the first to conceive of regicide and republicanism as twinned but opposite phenomena, he was certainly not the last since his metaphor continues to exercise a powerful influence on modern historiography. For many historians it is still the case that to see the 'angry aspect' of the regicides means only being able to see the back of the republicans, while to inspect the republicans' gaze is necessarily to occlude their view of the regicides. Furthermore, many accounts of the transition from monarchy to Commonwealth depend heavily on Hobbesian antitheses between reason and passion and between religious zeal and scepticism. John Morrill's recent summary is typical: 'the English revolution saw a violent act carried out by a fairly isolated band of well-placed soldiers and civilians, mainly driven by

---

<sup>8</sup> For Hobbes's familiarity with, but disparagement of, astrology, see Hobbes 1976: 295, 435-42.

religious fanaticism (the regicides) which gave rise to a political programme supported by a wider and more pragmatic group (the republicans)' (Morrill 1993: 23). There is of course a deeply conservative message embedded in this and similar accounts: how reassuring to find that this violent project was after all exclusively the work of religious fanatics; how fortunate that normal political life resumed so swiftly once more sober counsels gained the upper hand; what relief, in short, to be able to draw a veil over this embarrassing moment in English history when a sudden upsurge of religious mania (thankfully confined to an isolated and unrepresentative band of fanatics) resulted in the violent termination of the monarchy. But however comforting this version of events may be, it appears to dismiss too readily the possibility that the actions of the regicides could be – and actually were- defended on rational grounds. There is scope, therefore, it seems to me, to re-examine the supposedly ill-fated conjunction between religion, regicide and republicanism.

It is true nevertheless that those who espouse Morrill's view of the regicide are able to marshal an imposing array of evidence. They can point first of all to the prevalence of the associated concepts of blood-guilt and retribution. The idea that the shedding of blood was a moral offence which someone had a duty to punish was underpinned by a series of scriptural texts such as Numbers 35:33: 'for blood it defileth the land: and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it'. Secondly, they can show that from the mid-1640s onwards Charles I was increasingly spoken of in these terms, and that the effect of this discussion ('operating', as Patricia Crawford puts it, 'on another level from rational argument') was to desacralize his person (Crawford 1977: 42). The fatal step in the process by which Charles finally 'delegitimized himself and his office' was his decision to go to war a second time (Morrill 1993: 21). In late April 1648, as the military situation in Scotland and Wales worsened, the leaders of the New Model Army held a three-day prayer meeting at Windsor Castle, the outcome of which was a resolve 'to call Charles Stuart, that man of blood, to an account for the blood that he had shed, and the mischief he had done ... against the Lord's cause and people in these poor nations' (Gentles 1992: 246). For several historians, the road leads straight from the 'scripture-laden hysteria' of the Windsor meeting to the scaffold outside the Banqueting House at Whitehall. According to David Underdown, the 'Army was now out of hand; Cromwell and Ireton could no longer control it even if they wished' (Underdown 1971: 96). For Ian Gentles, the meeting represents an 'emotional

catharsis' which issued in 'consensus'. Now 'propelled' by the conviction that Charles was a man of blood, the Army simply 'rode roughshod over the will of the people, to bring the King to his public trial and execution' (Gentles 1991: 90, 99). And David Smith agrees that nothing 'could cut through' ingrained mental habits of obedience and deference but 'another, deeper, religious imperative – the need to expiate the king's "blood-guilt"'. When the Army adopted this doctrine, he adds, they 'unleashed savage, elemental forces' (Smith 1991: 44).

To talk of 'hysteria' and 'catharsis', or of the Army's getting 'out of hand', or being 'propelled' by 'imperatives', is to suggest an outbreak of collective psychosis. But there are also examples of individual agents – either actors in or apologists for the regicide – apparently in the grip of similar irrational forces.

It was only in the *Remonstrance*, drafted by Henry Ireton before being approved by the General Council on 16 November 1648 and presented to the Commons four days later, that the call for 'Capital punishment upon the principall Author ... of our late warres, and thereby the blood thereof expiated' officially became part of the Army's demands ([Ireton] 1648: 64; see Underdown 1971: 116-26). The *Remonstrance* itself was a lengthy, austere document and an abridged version, possibly the work of the Army chaplain Hugh Peter, was issued late in December.<sup>9</sup> Peter's other contribution was to equip the text with appropriate 'Marginall Attestations ... for the better understanding, remembrance, and judgment of the people'. Accordingly, when Peter comes to the demand for 'publike justice' and for blood to be 'avenged', he cites Numbers 35, Deuteronomy 19 and 2 Samuel 21 in the margin. And he illustrates his dissent from the claim that the king is 'not accountable to or punishable [by] any power on earth' by depicting Joshua, Gideon, Ehud, Jehoiada and Jehu as 'Gods Instruments' executing 'solemne punishment on wicked kings' ([Peter] 1648: 3, 6-7, 8/sig. B1').

John Milton had a longstanding interest in material of this kind. In the late 1630s or early 1640s, he drew up a series of outlines for biblical tragedies. These included a 'Moabitides or Phineas' in which, he thought, 'it may be argud about reformation & punishment illegal & as it were by tumult[;] after all arguments drivn home then the word of the lord may be brought acquitting & approving phineas' (Milton 1982: 560). In *The Tenure of Kings and Magistrates* (February 1649), he

---

<sup>9</sup> I am grateful to Austin Woolrych for the suggestion that Peter was responsible for the *Abridgment*.

discusses Ehud and Jehu (though not Phineas). And while Milton does not cite any of the standard scriptural texts on the punishment of murder, he clearly has them in mind. He cannot see why the king

should think to scape unquestionable, as a thing divine, in respect of whom so many thousand Christians destroy'd should lie unaccounted for, polluting with their slaughterd carcasses all the Land over, and crying for vengeance against the living that should have righted them. (Milton 1991: 18)

John Price in *Clerico-Classicum, Or, The Clergi-allarum to a third war* (also February 1649), invokes the whole panoply of scriptural proofs. He is adamant that

These *impulses of spirit, and impression upon the hearts* of the Army, to put the Parliament into a condition and capacity of executing judgement and justice upon that great Delinquent of the Land, and which did inspire the highest Court of Justice with courage and faithfulness therein, was the same spirit whose finger hath written that *morall precept in the hearts of men*, and that sacred *rule of Gods written word* Numb 35. 16 [the murderer shall surely be put to death]. (Price 1649: 48)

The Independent divine, John Goodwin, who had read both Milton's *Tenure* and Price's *Clerico-Classicum*, covers the same ground in his Ὑβριστοδικαί *The Obstructours of Justice* (May 1649). He rehearses the same material from Genesis, Deuteronomy and Numbers, and, as we shall see, subjects the case of Phineas to exhaustive scrutiny. Henry Parker, in *Scotlands Holy War* (January 1651), maintains, in the face of Scottish Presbyterian objections, that the 'change of Government in *England*, which could not be without the execution of the late King', had been 'urged upon us ... by two unanswerable, irresistable arguments'. The first of these was simply 'that God had commanded us to punish blood with blood in all persons whatsoever' (Parker 1651: 19). The last word can be left to Oliver Cromwell himself. In January 1650, he wrote to Philip Lord Wharton, trying to assuage his doubts about the legitimacy of the actions leading to Charles's execution. 'Perhaps', Cromwell

suggests, 'no other way was left. What if God accepted the zeal, as He did that of Phineas, whose reason might have called for a jury?' (Abbott 1937-47: II, 189-90).

We can perhaps begin to understand Hobbes's alarm. Looked at in this light, the regicide does appear to be the bloody act of religious fundamentalists. If this is so, then it would tend to support the thesis, proposed by John Morrill in 1984, to the effect that the 'English civil war was not the first European revolution; it was the last of the Wars of Religion'. Morrill has, however, since retreated to a less bold but more sustainable position. He still wishes to assert the 'centrality of religion in destabilizing Britain' but this is now partly because it helps to explain how Parliamentarians overcame their reluctance to invoke resistance theory in the early 1640s. In the end, Morrill argues, 'it was religious arguments which proved to be the solvents of resistance to resistance theory' (Morrill 1993: 43, 68). It is this modified theory which I now wish to challenge, at least in relation to apologists for the regicide, and, in particular, to clarify the role of Calvinist resistance theory in the events of 1649. My claim is not that these religious arguments are unimportant but that they have been misconstrued, and that, construed properly, they actually show just how far the supporters of regicide had freed themselves from the sixteenth-century mentality to which Morrill would confine them.

The first point to be made is that a treatment of these scriptural materials was a routine feature of political discourse. Any early modern discussion of the topic of resistance would be expected to examine them at length (George Buchanan's *De Iure regni apud Scotos* is an exception that proves the rule). Nor do they function, as it were, as some kind of radioactive isotope which can be used to detect malignancy; it is simply not the case that the use of certain scriptural examples is a sure sign of a more radical, and others of a less radical, orientation. Rather their precise signification is almost invariably dependent upon the larger theory that involves their use.

This can be illustrated by the differences between two of the leading exponents of the Calvinist theory of resistance: Theodore Beza and the author of *Vindiciae, contra tyrannos*. Both are agreed that resistance to a tyrannical ruler is exclusively the province of the inferior magistrate to the exclusion of private persons. Both agree moreover that there is one exception to this which arises from the fact that it is possible to follow the example of Bartolus of Sassoferrato in distinguishing between two types of tyrant; the tyrant by practice and the usurper, or tyrant without

title. The tyrant by practice, who, as Beza puts it, 'may abuse his position and still retain his authority over private subjects', can be resisted only by the inferior magistrate, whereas the tyrant without title can be resisted even by the private citizen acting in defence of 'the legitimate institutions of his country' (Franklin 1969: 107, 109).

Despite this substantial measure of agreement, however, Beza and the author of the *Vindiciae* still contrive to produce markedly divergent accounts of the violence offered to the oppressors of Israel. When considering 'the liberations mentioned in the Book of Judges', Beza treats the oppressors as tyrants without title, from which it follows that the Israelite judges would have acted lawfully in resisting the 'tyranny of strangers' irrespective of whether or not they possessed 'an extraordinary divine inspiration for their acts'. Beza could thus argue that the fact that the judges were inspired should not be taken to imply that 'the magistrates of the Israelites and private persons also' did not have an 'ordinary' right to resist tyrants – an argument of obvious local relevance in Germany and Switzerland where city states were constantly vulnerable to external threats (Franklin 1969: 106). By contrast, the author of the *Vindiciae*, concerned above all with the internal situation in France, views the oppressors of Israel as having originally been tyrants without title who had acquired a degree of legitimacy and then, through the abuse of their power, become tyrants by practice. As an example, he offers the case of the Moabite Eglon who, after eighteen years' rule, had established a title by prescription. But since Eglon had been slain by Ehud, it now seemed as if scripture offered a precedent for the individual resistance of even tyrants by practice. In effect, this was to licence assassination, and the author of the *Vindiciae* promptly set about neutralizing the implications of his own argument. Considered in themselves, he says, Moses, Ehud and Jehu may appear to be private persons. However, since we know that they received an extraordinary calling from God, 'not only do we not consider them private individuals, but we deem them to be more powerful than any ordinary magistrate'. But this only shifted the problem sideways since it was obviously open to individuals to claim that they did have just such a calling from God and could therefore follow these scriptural precedents. This forces the author to issue a series of stern warnings. While it cannot be denied that 'the very same God who has visited Pharaohs and Ahabs upon us in this our age, may not also raise up a few extraordinary liberators from time to time', this is a matter about which 'we should be especially sober and circumspect'. 'For if anyone lays

claim to that authority for himself, as though he were inspired by the divine spirit, he should certainly make sure that he is not puffed up with pride, that he is not God to himself, that he does not derive that great spirit for himself from within himself" (Garnett 1994: 62-3).

This brings us to the situation in the winter of 1648 to 1649, though not quite in the manner anticipated by revisionist historians like John Morrill and Conrad Russell. They appear to assume that the opponents of monarchy were initially reluctant to adopt the Calvinist theory of resistance, but that once they did so no further ideological weapons were required for the purposes of bringing about the death of the king. But this is not the case. In actual fact, it was the *opponents* of the Army's purge of Parliament and the trial that followed who had most to gain from the Calvinist theory.<sup>10</sup> After all, who had a better claim to Calvinist ideology than the recently excluded Presbyterians and their supporters? Conversely, whenever we find apologists like Milton, Price and Goodwin citing the classic texts of Calvinism, as they repeatedly do, this is largely because they are seeking to embarrass their adversaries with their own weapons.

In the days before the trial began, the London Presbyterian clergy actively sought to halt the proceedings. Some of them met with the officers at Fairfax's lodgings on 11 January (Fairfax's wife and mother-in-law were known Presbyterian sympathizers and were themselves the target of appeals). And on 18 January forty-seven of the Presbyterian ministers issued *A Serious and Faithfull Representation of the Judgements of Ministers of the Gospell within the Province of London*. The clergy reminded the Army leaders that 'in reference to the Power of Magistracie' they were 'but private persons'. And they went on to argue that whereas 'the Lawes of God, Nature, and Nations, together with the Dictates of Reason', had allowed the two Houses 'to take up Armes for their owne Defence', they did 'not allow' the same to 'a multitude of Private Persons' even though 'they have strength in their hands to effect it' (*Representation* 1649: 6). A number of advantages immediately accrued to the ministers from nailing their colours to the Calvinist mast. The first was that they were able to stigmatize the Army as merely a collection of private persons usurping the role

---

<sup>10</sup> Conrad Russell is, like Morrill, exercised by the (alleged) absence of resistance theory in the early 1640s. His argument is that if 'these men were closet resistance theorists, the trial of the King in 1649 should have given them a belated opportunity to come out', and the fact that they did not take the opportunity retrospectively proves that they cannot have been resistance theorists at the start of the

of the inferior magistrates, the point being that prior to the purge, it had clearly been the will of the inferior magistrates (that is, of the majority of MPs in the Presbyterian-dominated House of Commons) to effect a peaceful settlement with the king. The ministers were also exceptionally well placed to counter any attempt to cite those scriptures that superficially appeared to sanction political initiatives by private individuals. On the one hand, an attempt to invoke figures such as Ehud or Jehoida without specifying that their victims, Eglon and Athalia, were tyrants by practice, would automatically fail; for if Eglon and Athalia were merely tyrants without title, then their fate could have no bearing on that of Charles, whose title was, for these purposes, unquestioned. On the other hand, any attempt to cite scriptural examples of resistance to those specified to be tyrants by practice (thereby establishing their relevance since this was a description which arguably did apply to Charles) was to open up the topic of divine commands, extraordinary callings and divine vocations. In effect, the Army and its supporters would have to identify themselves as antinomians and hence become liable to the traditional charges of being puffed up with pride, of being gods to themselves and of deriving that spirit for themselves from within themselves.

Hugh Peter in his *Abridgment of the late Remonstrance* had already anticipated these arguments. He argued that the fate of Eglon and Athalia was relevant *however* they were classified:

If it be said that these two last Princes came to the Crown by force & blood, and so were without a title, it may be replied, that such was the entrance of the first of the English, French, &c. Royall race from whom the present Kings claime; but further, these two had Raigned, and the People been subject to them (which makes the most usuall title,) the one for 18. yeares ... the other six yeares. ([Peter] 1648: 8/sig. B1<sup>v</sup>)

This being the case, Peter simply assumes, though without saying as much, that they constitute precedents for private action. Likewise, according to Milton, the Israelites and undoubtedly 'acknowledge' Eglon as 'thir Sovran' and made themselves 'his proper Subjects' by taking 'Oaths of Fealty and Allegeance'. As we have seen, the

---

decade (Russell 1990: 136). Quite apart from the dubious logic of this argument, Russell

objection to be anticipated at this point was that Ehud must therefore have had 'a speciall warrant' from God to act as he did in slaying Eglon. Milton is quite prepared to admit that Ehud was 'a man whom God had raysd to deliver Israel'. However, it was nowhere 'expressd' that he had received any positive command from God. Rather, Ehud had acted solely on 'just principles, such as were then and ever held allowable' (Milton 1991: 17-19). Goodwin simply follows Milton's account. First he classifies Eglon as a tyrant by practice, 'unto whom by right of conquest, the *Israelites* had now been in subjection, 18 yeares' and then flatly denies that 'the fact of *Ehud* in killing *Eglon*' was the 'off-spring of some super-scripturall converse between God, and the spirit of the Actour' (Goodwin 1649: 45).

A similar procedure was followed in treating the case of Phineas. In *An Answer to the London Ministers Letter* (January 1649), the Baptist minister, Samuel Richardson, pointed out that Phineas was 'no Magistrate' and was therefore 'not clothed with any Authority from God or man to do it', and then denies that Phineas had any 'expresse Command from God'. Phineas had acted solely out of his zeal for the Lord, and Richardson had no doubts that 'what the Army hath done' could be 'justified upon the same ground' (Richardson 1649: 2-3). Goodwin begins by noting that Phineas's action is 'commonly resolved into an extraordinary instinct, or impulse of spirit, from God', with the implication that 'without some such warrantie as this it had not been justifiable'. But Phineas had in fact acted solely out of 'his *zeal for God*'. However, there could be nothing extraordinary about this since 'to be *zealous for God*' is 'but a regular duty ... whereunto we stand all obliged continually'. His act had also been 'commended and rewarded' by God 'as an act of *righteousnesse*'. But it could hardly be said that 'to act righteously' required 'any extraordinary, immediate, or forcible incitation from the Spirit of God'; men were 'bound to perform' such righteous acts merely by the 'standing and ordinary presence and assistance of the spirit' (Goodwin 1649: 43-4).<sup>11</sup>

---

misunderstands the ideological situation in 1649.

<sup>11</sup> Here Goodwin was replying to a paper by Henry Hammond, 'Of the Zelots among the Jewes', appended to the second edition of his *Of Resisting the Lawfull Magistrate under colour of Religion*, where he argues that the 'Jewish priviledge of Zealots' must be 'interdicted' to Christians since it is appropriate only to a theocracy where 'God immediately presided, and reserved many things to be manag'd, & ruled by his peculiar & extraordinary incitation and impulsions' (Hammond 1644: 55). Hammond returned to the issue in *To the Right Honourable, the Lord Fairfax, and His Councell of Warre: The Humble Adresse of Henry Hammond* (January 1649).

The arguments advanced by these supporters of the regicide bring into question the efforts of those historians who seek to bury the events of 1649 in charges of fanaticism and obscurantism. The paradox that appears to have eluded them is that scripture could be cited to secular ends. Nor have they grasped that a sixteenth-century ideology designed for waging wars of religion finally proved inadequate for the purposes of staging the first European revolution. For Milton, Goodwin and the others simply erased the intricate categories of the Calvinist theory of resistance. Nor was this at all surprising in view of their Arminian tendencies. As one recent commentator puts it, 'a reaction against Calvinist orthodoxy' was 'a unifying characteristic of seventeenth-century republicans' - and nowhere was this more true than of the two northern maritime republics; the United Provinces, the home of Arminius, and England, the home of his disciples (Worden 1990: 230).

Hobbes's two-pronged attempt to isolate the regicides in the Review and Conclusion should be treated with similar scepticism. In some ways, the energy he expends in debunking the concept of private zeal is beside the point, since the supporters of regicide are at such pains themselves to avoid any imputation of zealotry. Indeed, in the context of early modern political thought, this is precisely what constitutes the revolutionary nature of their claims; that is, that individuals (and hence, in this case, the Army) are free to seize the political initiative, and that they are free to do so *without* the sanction of an extraordinary inspiration or divine calling. All that is required of them is to proceed conscientiously and rationally. As Milton puts it with exceptional clarity in *The Tenure*, in acting against a tyrant 'no man of cleare judgement need goe funder to be guided then by the very principles of nature in him' (Milton 1991: 17).

The other tactic Hobbes employs, as pointed out earlier, is to insinuate that 'the dissolvers of an old Government' are facing in a completely different direction from those whose business it is to 'erect a new'. The implication is that regicides and republicans, or (to borrow Pocock's terminology) saints and citizens, can have little or nothing in common ideologically (see Pocock 1975: 361-400). Once again, however, there seems to be no compelling reason to accept this gambit. This is because by the time these apologists for regicide have finished demolishing Calvinist orthodoxy they have also, *ipso facto*, stripped the individual of much of what previously constituted him as a private person or subject. Instead the moral agents they posit in their discourses approximate rather more closely to the republican ideal of the citizen.

There is no mistaking, for example, the polemical intent with which the author of *Clerico-Classicum* identifies himself on the title page as 'John Price, Citizen of London'. But, as before, it is Milton who provides the clearest expression of the issues at stake. While much of *The Tenure* is given over to confronting Calvinists with the implications of their Calvinist doctrines (see Dzelzainis 1989), Milton's own premises lie completely outside this frame of reference. Citing none of the standard scriptural texts, he turns instead to the Stoics and, most obviously, to Cicero for an alternative account of the right to punish. In *De Officiis*, Cicero had laid it down that 'men are born for the sake of men', and so form a universal 'fellowship' based on 'the exchange of dutiful services'. Those who do not participate, but instead show hostility, in effect exclude themselves from society. This was most clearly true of the tyrant, in whom 'the wildness and monstrousness of a beast appears in human form'. And with the example of Julius Caesar clearly in mind, Cicero unhesitatingly concludes that a 'pestilential' tyrant, like a wild beast, can be killed by anyone (Cicero 1991: 10 (1.22), 111 (3.32)). Milton is content to do little more than reproduce this argument in *The Tenure*. There is, he says, a 'mutual bond of amity and brotherhood between man and man over all the World' such that whoever 'keeps peace with me, neer or remote, of whatsoever Nation, is to mee as farr as all civil and human offices an Englishman and a neighbour'. Accordingly, it is not 'distance of place that makes enmitie, but enmity that makes distance'. The tyrant, by failing to keep peace, axiomatically reduces himself to the level of 'a savage Beast and 'common pest' to be despatched exactly as Cicero recommended (Milton 1991: 13, 17, 18). In these pages, at least, regicide and republicanism meet face-to-face, and are not, as Hobbes maintained, turned back-to-back.

### *Bibliography*

- Abbott, W. C. (ed.) 1937-47, *The Writings and Speeches of Oliver Cromwell*, 4 vols., Cambridge, Mass.
- Ascham, Anthony 1649, *Of the Confusions and Revolutions of Goverments*, London.
- Burgess, Glenn 1990, 'Contexts for the writing and publication of Hobbes's *Leviathan*', *History of Political Thought* 11: 675-702.
- Cicero 1991, *On Duties*, ed. and trans. M. T Griffin and E. M. Atkins, Cambridge University Press.

- Crawford, Patricia 1977, "'Charles Stuart, that man of blood'", *Journal of British Studies*, 16: 41-61.
- Dzelzainis, Martin 1989, 'Milton, Macbeth, and Buchanan', *The Seventeenth Century* 4: 55-66
- Franklin, Julian H. (ed. and trans.) 1969, *Constitutionalism and Resistance in the Sixteenth Century: Three Treatises by Hotman, Beza, & Mornay*, New York: Pegasus.
- Garnett, George (ed. and trans.) 1994, *Vindiciae, contra tyrannos: or concerning the legitimate power of a prince over the people, and of the people over a prince*, Cambridge University Press.
- Gentles, Ian 1992, *The New Model Army in England, Ireland and Scotland, 1645-1653*, Oxford: Blackwell.
- 1991, 'The Impact of the New Model Army', in John Morrill (ed.), pp. 84-103.
- Goodwin, John 1649, *Υβριστοδικαια: The Obstructours of Justice*, London.
- Grotius, Hugo 1625, *De Iure belli ac pacis*, Paris.
- 1738, *The Rights of War and Peace*, London.
- Hammond, Henry 1644, *Of Resisting the Lawfull Magistrate under colour of Religion*, Oxford.
- 1649, *To the Right Honourable, the Lord Fairfax, and His Councell of Warre: the Humble Adresse of Henry Hammond*, London.
- Hobbes, Thomas 1649, *Elemens philosophiqves du citoyen. Traicté politiqve, où les fondemens de la societé civile sont dècouverts*, trans. Samuel Sorbière, Amsterdam.
- 1668, *Thomæ Hobbes Malmesburiensis Opera philosophica, quæ Latine scripsit, omnia*, Amsterdam.
- 1976, *Thomas White's 'De Mundo' Examined*, trans. Harold Whitmore Jones, London: Bradford University Press.
- 1983a, *De Cive: The Latin Version*, ed. Howard Warrender, Oxford: Clarendon.
- 1983b, *De Cive: The English Version*, ed. Howard Warrender, Oxford: Clarendon.
- 1990, *Behemoth or the Long Parliament*, ed. Ferdinand Tönnies, intro. Stephen Holmes, Chicago and London: University of Chicago Press.
- 1996, *Leviathan*, ed. Richard Tuck, Cambridge University Press.
- 1998, *On the Citizen*, ed. and trans. Richard Tuck and Michael Silverthorne, Cambridge University Press.

- [Ireton, Henry] 1648, *A Remonstrance of His Excellency Thomas Lord Fairfax, Lord Generall of the Parliament Forces, and of the Generall Councell of Officers*, London.
- Milton, John 1982, 'Outlines for Tragedies', in *Complete Prose Works of John Milton*, ed. Don. M. Wolfe, et al. (New Haven, Conn.: Yale University Press, 1953-82): 8, 539-85.
- 1991, *The Tenure of Kings and Magistrates*, in *Political Writings*, ed. Martin Dzelzainis, Cambridge University Press.
- Morrill, John (ed.) 1991, *The Impact of the English Civil War*, London: Collins & Brown.
- 1993, *The Nature of the English Revolution*, London: Longman.
- Parker, Henry 1651, *Scotlands Holy War*, London.
- [Peter, Hugh] 1648, *An Abridgment of the late Remonstrance of the Army*, London.
- Pocock, J. G. A. 1973, *Politics, Language and Time: Essays on Political Thought and History*, New York: Atheneum.
- 1975, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton: Princeton University Press.
- Price, John 1649, *Clerico-Classicum, Or, The Clergi-allarum to a third war*, London.
- Richardson, Samuel 1649, *An Answer to the London Ministers Letter*, London.
- Serious and Faithfull Representation of the Judgements of Ministers of the Gospell within the Province of London, A, 1649*, London.
- Skinner, Quentin 1974, 'Conquest and consent; Thomas Hobbes and the Engagement controversy', in G. E. Aylmer (ed.), *The Interregnum: The Quest fo Settlement 1646-1660*, London: Macmillan.
- 1990, 'Thomas Hobbes on the proper signification of liberty', *Transactions of the Royal Historical Society*, 40: 121-51.
- Smith, David L. 1991, 'The Impact on Government', in John Morrill (ed.), pp. 32-49.
- Richard Tuck, 1979 *Natural Rights Theories: Their Origin and Development*, Cambridge University Press.
- 1985, 'Warrender's *De Cive*', *Political Studies*, 33: 308-15.
- Underdown, David 1971, *Pride's Purge: Politics in the Puritan Revolution*, Oxford: Oxford University Press.

Worden, Blair 1990, 'Milton's republicanism and the tyranny of heaven', in Gisela Bock, Quentin Skinner and Maurizio Viroli (eds.), *Machiavelli and Republicanism*, Cambridge University Press, pp. 225-45.