

THE CICERONIAN THEORY OF TYRANNICIDE FROM BUCHANAN TO MILTON

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On Saturday 21 July 1683, in the wake of the so-called Rye House Plot to assassinate King Charles II and his brother James Duke of York, the Convocation of the University of Oxford passed its *Judgment and decree ... against certain pernicious books and damnable doctrines, destructive to the sacred persons of princes, their state and government, and of all humane society*. Of the 27 propositions denounced by the Convocation, the one that concerns us here today is the twenty-third, according to which

23. Wicked Kings and Tyrant ought to be put to death, and if the Judges and inferior Magistrates will not do their office, the power of the sword devolves to the People; if the major part of the People refuse to exercise this power, then the Ministers may excommunicate such a King, after which it is lawful for any of the Subjects to kill him, as the People did *Athaliah*, and *Jehu Jezebel*.¹

This ‘damnable doctrine; about who may kill a tyrant’ is then attributed to ‘*Buchanan, Knox, Goodman, Gilby, Jesuits*’. What we have here is a confessional melange of Jesuits (presumably the Spaniards Suarez and Mariana) and Calvinists, in the form of Scotsmen, George Buchanan and John Knox, and Englishmen, Christopher Goodman and Anthony Gilby. While this list may strike us as eclectic, it had long been an Anglican belief that resistance was associated with the two confessional extremes. Moreover, it can be argued that there was more than a grain of truth in what the Convocation was alleging. As Quentin Skinner observed in his account of the development of the Calvinist theory of revolution, since ‘the arguments taken by the Calvinist from the Lutherans had originally been taken by

¹ *The Judgment and Decree of the University of Oxford Past in their Convocation July 21. 1683, against certain pernicious books and damnable doctrines, destructive to the sacred persons of princes, their state and government, and of all humane society*, Oxford, 1683, p. 6.

the Lutherans from the civil and canon law, we may say with very little exaggeration that the main foundations of the Calvinist theory of revolution were in fact constructed entirely by their Catholic adversaries².

However, proposition 23 is a composite text, offering a range of views on who was able to punish the ruler. No single theorist ever advocated following the whole sequence of steps for legitimating tyrannicide that it sets out, according to which, if the magistrates default, then it becomes the duty of the people and, if the people should default, then – once ministers have excommunicated the tyrant – any subject can kill the tyrant as was done in the scriptural cases of Athaliah and Jezebel. Leaving the Jesuits to one side, how well do the other names denounced by Oxford measure up to this conspectus? While all of them routinely refer to magistrates, none of them actually uses the phrase ‘inferior magistrates’ as usually deployed by Lutheran and Calvinist theorists in apposition to private persons. This is a key distinction for theorists like Beza and the author(s) of the *Vindiciae contra tyrannos* (1579), but does not feature in the work of the British Calvinists.

On the topic of popular revolution, there is a closer match. In the 1550s, John Knox and Christopher Goodman, not to mention other exiles like John Ponet, all published works that appealed directly to the people as a whole to resist their rulers. It is significant, as Richard Tuck has pointed out, that their writings ‘derived stylistically from the sermon rather than the legal treatise’³ for their basic concern was to instil a sense of the religious duty to resist idolatry and tyranny. We can see this clearly in the case of *How Superior Powers Ought to Be Obeyed* (1558) by Buchanan’s friend, Christopher Goodman. In Chapter XIII, Goodman considers the problem of what the people should do if ‘the Magistrates and other officers contemne their duetie in defending Gods glories and the Lawes committed to their charge’. He dismisses as ‘vaine’ any excuses which might be offered to justify the people’s inaction in such a case. It is clear on the contrary that God has charged ‘not onely the Magistrates and officers’ with the duty ‘to roote out evil’ but also ‘the whole multitude’, to whom ‘a portion of the sworde of iustice is committed’ for that purpose. Goodman acknowledges that one difficulty with this argument is that it may ‘appeare at the first sight a great disorder, that the people shulde take unto them the punishment of transgression’. But his response is merely to reiterate that when magistrates ‘cease to do their duetie’, and the people are, as a result, left ‘without officers’ and are even in a worse situation ‘then if they had none at all’, then God gives ‘the sworde in to the peoples hands, and he him self is become

² Quentin Skinner, *The Foundations of Modern Political Thought*, Cambridge, CUP, 1978, vol. 2, p. 231.

³ Richard Tuck, *Natural rights theories*, Cambridge, CUP, 1979, p. 43.

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immediatly their head'⁴. Knox argued along similar lines, though he was more willing to allow individual action. For example, in Catholic countries, since 'no ordinarie iustice can be executed' the punishment of idolatrous rulers 'must be reserued to God': he will appoint the 'meanes' just as he 'raised vpp Iehu' when the 'hole people' of Israel 'conspired togethir against God'⁵.

But none of this holds true for Buchanan's *De iure regni apud Scotos dialogues* ('A Dialogue on the law of kingship among the Scots'), first published in 1579 though written some years earlier. Strictly speaking, the only part of proposition 23 to which his theory corresponds is the opening phrase: 'Wicked Kings and Tyrant ought to be put to death'. When it comes to executing justice upon a tyrant, Buchanan does not assign a privileged role to the magistrate, inferior or otherwise. Nor is there any requirement to wait until ministers have excommunicated the tyrant. Nor is there any need to appeal to scriptural precedents. It is true that Buchanan admits at one point that 'God frequently stirs up from the lowest ranks of the people ('de plebe') humble and obscure men as avengers of the pride and violence of tyrants', but this is only by way of countering the argument that God sets tyrants over people as a punishment. Divine commands cut both ways. If anyone tries to argue from St Paul that we are divinely enjoined to obey tyrants, says Buchanan, 'you will immediatly have to face the objection that Ahab was also killed at God's command'⁶.

This being so, however, the question arises of how Buchanan accounts for the fact that individuals find the sword of justice in their hands. Or to put it another way, how was it possible for Buchanan to anticipate John Locke's 'very strange Doctrine' in the *Two Treatises of Government* about the power of individuals to execute the law of nature?⁷ And there is of course a genuine longstanding problem in political philosophy here, to which Yves Charles Zarka has devoted a good deal of attention. Much of what Zarka says on the topic is by way of a response to a conundrum posed by Thomas Hobbes in Chapter 28 of *Leviathan*: 'there is a

⁴ Christopher Goodman, *How Superior Powers Ought to be Obeyed*, Geneva, 1558, p. 179-80.

⁵ John Knox, *The Appellation of Iohn Knoxe from the cruell and most iniust sentence pronounced against him by the false bishoppes and clergie of Scotland, with his supplication and exhortation to the nobilitie, estates, and communitie of the same realme*, Geneva, 1558, p. 35a-b.

⁶ George Buchanan, *A Dialogue on the Law of Kingship among the Scots*, Roger A. Mason and Martin S. Smith (ed.), Aldershot, Ashgate, 2004, p. 117, and 125.

⁷ John Locke, *Two Treatises of Government*, Peter Laslett (ed.), Cambridge, CUP, 1988, p. 272 (II, 2.8-9).

question to be answered, of much importance; which is, by what door the Right, or Authority of Punishing in any case, came in'⁸.

In the case of Buchanan, one possible answer, suggested by Quentin Skinner but contradicted in turn by J. H. Burns, is that Buchanan was indebted to late medieval scholasticism, and in particular, to Jacques Almain, who was like Buchanan a pupil of John Mair. According to Almain, the *ius gladii*, the right of the sword, is not conferred upon the ruler by God but by the community as a whole. In the first version of his essay, Skinner suggested that the community itself can only have acquired this power by virtue of the fact each of its individual members possessed it to begin with, but he now concedes that this is not so, insisting nevertheless that this is the natural inference to make⁹. But despite his best efforts, there is a gap that cannot be bridged between Almain's insistence on the communitarian origins of the *ius gladii* and Buchanan's individualistic account of this power.

Another answer, and the one that I want to outline today, is that in placing the sword in the hands of the single person, Buchanan was actually deploying a straightforwardly Ciceronian theory of tyrannicide. Moreover, I shall argue, this same theory also underpins two later but equally radical works of political theory, though the extent to which they may be directly indebted to Buchanan remains unclear. The first of these works was published anonymously in 1574; that is to say, after *De iure regni* had been written and was circulating in manuscript but before it appeared in print. This was the *Political discourses* or, to give it its full title in French, *Discours politiques des diverses puissances établies de Dieu au monde, du gouvernement legitime d'icelles, & du deuoir de ceux qui y sont assuiettis*. The tract appeared in the aftermath of the Massacre of St Bartholomew's Day in 1572 and although it does not refer to those events (and may even have been written before them), was quite clearly published as a call to arms. Indeed, as Skinner says, it presents 'a more anarchic theory of resistance than any other work of Huguenot political thought'¹⁰. From 1578 onwards, it was able to reach a wider audience still when Simon Goulart (Beza's colleague and successor at Geneva) reprinted it, along with several other tracts, in the third volume of the second

⁸ Thomas Hobbes, *Leviathan*, Richard Tuck (ed.), Cambridge, CUP, 1996, p. 214, and see « Hobbes and the right to punish » in Quentin Skinner and Yves Charles Zarka, *Hobbes: the Amsterdam debate*, Hans Blom (ed.), Hildesheim, Georg Olms Verlag, 2001, p. 71-87.

⁹ See Quentin Skinner, 'The Origins of the Calvinist Theory of Revolution', in *After the Reformation: Essays in Honour of J. H. Hexter*, Barbara Malament (ed.), Manchester, MUP, 1980), p.309-30 and Quentin Skinner, 'Humanism, scholasticism and popular sovereignty', in Quentin Skinner, *Visions of politics*, 3 vols., Cambridge, CUP, 2002, 2, p. 245-63 ; J. H. Burns, 'Jus gladii and jurisdictio: Jacques Almain and John Locke', *Historical Journal* 26.2, 1983, p. 369-74.

¹⁰ Skinner, *Foundations, op. cit.*, p. 305.

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edition of his *Memoirs of the state of France under Charles IX*. What is particularly striking is that, as the *Political discourses* moves towards its concluding and climactic endorsement of tyrannicide, the author cites ‘Hector Boetius chroniqueur des Escossois’ to illustrate the claim that, when kings refuse to submit to justice in Scotland, it was accepted that a single person (‘vn particulier’) could kill them without any penalty¹¹. Given that there are times when the *Political discourses* (although not formally a dialogue) almost reads like a transcript of *De iure regni*, it would be worth tracking down this anarchic, pro-Scottish Huguenot writer.

The other work I have in mind, published 75 years after the *Discourses*, is Milton’s *Tenure of Kings and Magistrates*. As I have argued elsewhere, this tract pursues an anti-Scottish strategy, seeking to embarrass the Presbyterians who opposed the trial and execution of the king by reminding them that the Calvinist theory of revolution was a part of their intellectual heritage¹². The claim he makes on the title page is that, despite this, the Presbyterian-dominated Long Parliament had failed to bring the king to justice and that the Army had therefore been justified in intervening:

That it is Lawfull, and hath 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.¹³

This is reminiscent of proposition 23 to the extent that it is an argument about what happens when those who should act fail to do so. But what this default triggers immediately, without any intervening steps, is the radically populist situation in which the sword of justice is placed in the hands of ‘any, who have the Power’.

We should bear in mind that the *Tenure* is a surprisingly anachronistic work – deeply engaged with sixteenth-century English, Scottish and continental writings on resistance while showing virtually no trace at all of Jacobean and

¹¹ Simon Goulart, *Memoires de l’estat de France sous Charles neufiesme: contenant les choses plus notables, faites & publiees tant par les Catholiques que par ceux de la religion, depuis le troisieme edit de pacification fait au mois d’aoust 1570, iusques au regne de Henry troisieme, & reduits en trois volumes, chascun desquels a vn indice des principales matieres y contenues. Seconde edition, reueue, corrigee & augmentee de plusieurs particularitez & traitez notables*, Meidelbourg [Geneva], 1578, 3:294b.

¹² See Martin Dzelzainis, “Introduction” in John Milton, *Political Writings*, Martin Dzelzainis (ed.), Cambridge, CUP, 1991, p. xi-xii.

¹³ *Ibid.*, p. 1.

Caroline or, for that matter, Civil War theorizing. It is often therefore assumed that Milton must have read *De iure regni*, especially since it was often issued together with the *History of Scotland (Rerum Scoticarum historia)*, which Milton does cite in the *Tenure*. But there is no unequivocal textual evidence to that effect. What is just as likely if not more so is that Milton had read the *Political discourses*, with which the *Tenure* shares a number of arguments. Both of them dismiss the orthodox Lutheran and Calvinist distinction between private persons and inferior magistrates. The author of the *Discourses* does momentarily defer to orthodoxy by conceding that it would be ‘well to say in general that the private person should not make an attempt against the person of the prince’ (‘Bien peut on dire en general que la personne privee ne dit attenter a la personne du prince’¹⁴). However, he refuses to rule out such an enterprise and (as we shall see) actually goes on to endorse it in the most resounding terms. Milton likewise rejects the Presbyterian argument that the Army that had carried out the Purge were ‘but private persons’ and that whereas ‘the Lawes of God, Nature, and Nations, together with the Dictates of Reason’ has allowed the two Houses of Parliament ‘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’¹⁵.

However, neither Milton nor the author of the *Discourses* chooses to attack the distinction itself. Instead they focus their attack on a related scholastic distinction between tyrants without title and tyrants by practice; that is to say, the distinction between those who have seized power illegitimately and otherwise legitimate rulers who have degenerated into tyranny. The usual view was that while it may be lawful for private men to resist a tyrant without title, only the inferior magistrate could resist the tyrant by practice. The author of the *Discourses* consistently treats the two types of tyrant as virtually indistinguishable. In Israel, he says, kings could be condemned by the people or their deputies, whether they were a usurper or an evil ruler (‘mauvais administrateur’¹⁶). Nor can he see any difference between a tyrant by usurpation (‘tyran vsurpateur’) like Eglon or a tyrant by practice (‘tyran oppresseur’¹⁷) like Joram. In fact, of the two he considers those who usurp power against the laws to be less harmful than those ‘who have been legitimately established and have violated them to reign more despotically’ (‘qui y estoient legitimentement establish qui les ont violees pour regner plus seigneurialement’¹⁸).

¹⁴ Goulart, *Memoires, op. cit.*, 3:294a.

¹⁵ *A Serious and Faithfull Representation of the Judgements of Ministers of the Gospell Within the Province of London*, London, 1649, p. 6.

¹⁶ Goulart, *op. cit.*, 3:216b.

¹⁷ Goulart, *ibid.*, 3:293b.

¹⁸ Goulart, *ibid.*, 3:228b.

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When Milton comes to the pivotal case of Ehud and Eglon he too concludes that in relation to a tyrant ‘it imports not whether forren or native’. For insofar as a ‘native’ prince ‘professes to hold by law’ and then breaks the ‘Covnants and Oaths that gave him title ... what differs he from an outlandish King or from an enemie?’¹⁹. And Milton too thinks that the case against the tyrant by practice is stronger than that against the usurper, for if the king of Spain were to invade and so ‘might lawfully be pout to death in captivity, what hath a native king to plead, bound by so many Covnants, benefits and honours to the welfare of his people’²⁰?

But the hostility of both writers to the distinction between foreign and native tyrants is the expression of a further and more basic commitment to stoic, and specifically Ciceronian values. Cicero is the most frequently cited author in the *Discourses*, especially *De officiis* and the second *Philippic*. And what he turns to Cicero for, above all, is the stoic notion of the brotherhood of man. Throughout the tract he stresses that individuals must see themselves as subordinate to a larger whole; ‘we are not born for ourselves alone’, he says, quoting *De officiis* verbatim, ‘but for the city, the country, and our lineage’ (‘nous ne sommes pas nez pour nous-mesmes seulement, mais pour la cité, le pays, & nostre lignage’²¹). But while there are ‘several societies between men’, ‘none is so gracious (says Cicero) nor so dear as that which each must bear to the republic’ (‘Il a plusieurs socetez entre jes hommes; mais ... il n’y en a nulle si gracieuse (dit Ciceron) ne si chere que celle que chascun auoir à la chose publique’²²). And, still quoting from Book I of *De officiis*, he remarks that since ‘(as the stoics say) the earth and all it contains is made for the use of men; therefore men are made and engendered for other men’ and their ‘mutual utility’ (‘(comme disent les Stoiciens) la terre & tout son contenu est faite pur l’vsage des hommes: donc les hommes sont faits & engendrez pour cause des hommes, afin qu’ils se conferent mutuelle vitilité’²³). There is in fact a ‘sovereign and universal society’ that ‘has domination over all the others’ (‘souveraine & vniuerselle societé a domination sur toutes les autres’²⁴) such that ‘one could say the world is one city’ (‘on pourroit dire le monde estre vne cité’²⁵).

From this point of view, it was absurd to distinguish between a citizen and an enemy (or between two types of tyrant) simply on the grounds of where they

¹⁹ Milton, *op. cit.*, p. 17.

²⁰ Milton, *ibid.*, p. 18.

²¹ Goulart, *op. cit.*, 3:238b.

²² Goulart, *ibid.*, 3:239b.

²³ Goulart, *ibid.*, 3:242a.

²⁴ Goulart, *ibid.*, 3:241a.

²⁵ Goulart, *ibid.*, 3:240b.

came from rather than on the basis of the disposition which they bear towards you. As the author of the *Discourses* puts it, ‘A citizen and an enemy are not distinguished by the place of their natural habitation, but by disposition and by deeds’ (‘Vn citoyen & vn ennemi pas à distinguer par lieux de leur naturelle habitation, mais par la volonté & par les faits’²⁶). Milton’s thinking is along exactly the same lines:

Nor is it distance of place that makes enmitie, but enmity that makes distance. He therefore that 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 neighbor: but if an Englishman forgetting all Laws, human, civil and religious, offend against life and liberty, to him offended and to the Law in his behalf, though born in the same womb, he is no better then a Turk, a Sarasin, a Heathen.²⁷

Christopher Hill has suggested that passages like this are expressive of the ‘revolutionary Protestant internationalism’ that Milton shared with William Sedgwick, Hugh Peters and others²⁸. But it is in truth a straightforward articulation of the view in Book III of *De officiis* that those ‘who say that account should be taken of other citizens, but deny it in the case of foreigners; such men tear apart the common fellowship of the human race’²⁹. Or, as Milton phrases the same idea, ‘Who knows not that there is a mutual bond of amity and brother-hood between man and man over all the World, neither is it the English sea that can sever us from that duty and relation’³⁰.

In both cases, the outcome of this commitment to stoic values was to sweep away the distinctions upon which the Lutheran and Calvinist theories of resistance were built. But even if they eliminated the reasons usually given for excluding the private person from political action, it would still remain to be shown by what right he (or she) could carry out so drastic an action as executing a tyrant. To borrow Milton’s terms, even if ‘any, who have power’ could put a tyrant to death, where did this power come from?

Like Buchanan, both Milton and the author of the *Discourses* explicitly rule out the idea of divine authorization. The latter dismisses as ‘a great scandal’

²⁶ Goulart, *ibid.*, 3:253b.

²⁷ Milton, *op. cit.*, p.18.

²⁸ Christopher Hill, *Milton and the English revolution*, London, Faber and Faber, 1977, p. 283.

²⁹ ‘Qui autem civium rationem habendam, externorum negant, ii dirimunt communem humani generis societatem’ (III.28, in Cicero, *On duties*, M. T. Griffin and E. M. Atkins (eds.), Cambridge, CUP, 1991, p. 110). See also Cicero, *De officiis*, trans. Walter Miller, Cambridge, MA and London, Harvard University Press, 1975, p. 294.

³⁰ Milton, *op. cit.*, p. 18.

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(‘vn grand scandale’) the opinion of the ‘self-styled theologians’ (‘à quelques vns que se disent theologiens’) that it ‘does not belong except to persons who have a particular revelation from God and a special command to touch the life of a prince’ (‘qu’il n’appartient qu’aux qui ont particuliere reuelation de Dieu & commandement special de toucher à la vie du prince’). And, considering the examples of Ehud and Jehu, he cannot believe that ‘if they had not had a particular revelation, the thing would have been unjust on that account, which had otherwise been executed by the command of God and by that manifested as just and equitable’ (‘ie demande si n’y ayant eu particuliere reuelation la chose seroit pour cela iniuste, qui a esté autrefois execute par com[m]andement de Dieu, & par là manifestee pour iuste & equitable? Je ne le croy pas’³¹). Milton likewise will have nothing to do with the idea that Ehud ‘had special warrant to kill Eglon’. And while he does admit that ‘*Jehu* had special command to slay *Jehoram* a successive and hereditary Tyrant’, he insists that ‘it seems not the less imitable for that; for where a thing grounded so much on natural reason hath the addition of a command from God, what does it but establish the lawfulness of such an act’³².

Thus both writers display an incandescent hostility towards the Huguenot pastors and Presbyterian ministers who seek to erect scriptural obstacles to political action, and an equally militant determination to find a secular origin for the *ius gladii*. Again, they look no further than Cicero, and in particular the premise of universal brotherhood, the basic value of which is peace. The only way in which someone can be excluded – or, more strictly, exclude themselves – from this brotherhood is by displaying hostility. On this view, an enemy (or a tyrant) is simply someone who has segregated himself from human society and has thus rendered himself liable to punishment. As Cicero says, ‘there can be no fellowship between us and tyrants – on the contrary there is complete estrangement’, adding in anti-Cesarist vein that ‘the whole pestilential and irreverent class ought to be expelled from the community of mankind’³³. The author of the *Discourses* simply adopts this phraseology, it being ‘necessary above all things to suppress these plagues and insatiable murderers’ (‘nécessaire sur toute choses pour supprimer telles pestes & meurtriers insatiables’³⁴). And Milton follows suit. His view is that ‘he that bids a man reign over him above Law, may bid as well as savage Beast’. If a ‘just King’ is (another Ciceronian phrase) ‘the public father of his Country’, a tyrant is ‘the common enemy’, and the people may lawfully proceed against him ‘as against a common pest, and destroyer of mankinde’³⁵.

³¹ Goulart, *op. cit.*, 3:293a-294a.

³² Milton, *op. cit.*, p. 19.

³³ Cicero, *op. cit.*, III.32.

³⁴ Goulart, *op. cit.*, 3:245b.

³⁵ Milton, *op. cit.*, p. 13 and p. 17.

It is important to grasp the extreme economy of this argument. The process by which someone identifies themselves as a tyrant – that is to say, by manifesting a hostile disposition which means that they are no longer living in peace with you but are at war – is at one and the same time what confers upon you the right to punish them. There is no need to seek further authorization by virtue of the fact that it is always lawful to kill those with whom one is at war. This is the argument being rehearsed by Buchanan and Maitland in the crucial passage from *De iure regni*³⁶. And virtually the same Ciceronian phrases about the tyrant as the enemy with whom the whole human race is at war recur in Milton's *Defensio secunda* (1654):

In short, my opinion is, that (if a man has any use of his reason) he, against whom we make war, is considered by us as an enemy; that, to put an enemy to death has always been lawful, by the same right as we oppose him; and as a tyrant is not simply our enemy, but the general enemy as it were of the whole human race, that, by the same right as he may be resisted by arms, may he likewise be put to death.³⁷

Almost immediately, Milton goes on to underline his argument with a quotation from Cicero's *Pro Rabirio*: 'If it was unlawful for Saturninus to be put to death, arms could not, without a crime, have been taken up against Saturninus; if you

³⁶ "B. What about a war waged against an enemy of the whole human race, that is against a tyrant?

M. That is the most just of wars.

B. Now when a war has once been undertaken against an enemy for a just cause, it is the right not only of the people as a whole but also of individuals to kill the enemy?

M. I admit it.

B. What about the tyrant, the public enemy, with whom all good men are constantly at war? Cannot any individual from the whole mass of the human race lawfully exact from him all the penalties of war?

('B. Quid in eo quod cum totius humani generis hoste, hoc est, tyranno, geritur?

M. Iustissimum.

B. Bello autem cum hoste iusta de causa semel suscepto, ius est non modo universo populo sed singulis etiam hostem interimere?

M. Fateor.

B. Quid tyrannum, hostem publicum, quocum omnibus bonis perpetuum est bellum? Nonne singuli e tota generis humani multitudine iure omnes bellorum poenas ab eo expetere possunt?)" (Buchanan, *op. cit.*, p. 152-5).

³⁷ 'Equidem in ea sum sententia, contra quem bellum gerimus, eum, si quis rationis aut iudicii usus sit, hostem à nobis judicari; hostem autem tam interficere quàm oppugnare, eodem semper jure licuisse: Tyrannus igitur cum non noster solum, sed totius propè generis humani publicus hostis sit, eum quo armis oppugnari, eodem posse & interfici' (Milton, *The Works* 8:196-7).

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admit arms were justly taken up, you necessarily admit that he was justly put to death'³⁸. For Milton it really was that simple.

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³⁸Milton, *Columbia*, in John Milton, *The Works of John Milton*, ed. Frank Allen Patterson, 8 vols., New York, Columbia University Press, 1931-38, vol. 8, p. 196-7.

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