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Areopagitica's Adversary: Henry Parker and the Humble Remonstrance

Geoff Kemp

[F]oreasmuch as irregular Printing, hath of late been the fewell in some measure of this miserable Civill-Warre, by deceiving the multitude, and hath brought into both Church and State, sundry other mischiefs and miseries, as well as poverty and desolation upon the Corporation of Stationers. It is most humbly prayed, That some speedy course may be taken for such a perfect regulation of the Presse, as may procure the publike good of the State, by the private prosperity of the Stationers Company.¹

On the final page of the most celebrated denunciation of pre-publication press censorship in the English language, John Milton refers to a petition to Parliament which, he says, procured the press licensing ordinance that prompted *Areopagitica*. Milton portrays the petition as the work of monopolists and royalist sympathizers in the print trade, seeking to make rival publishers their 'vassals' and ensure 'malignant books' dominate. He then turns his back on the petition's 'sophisms' and concludes his own printed address to Parliament by saying that the chances of 'errors in a good government and in a bad are equally almost incident', but a virtuous and wise government will open itself to advice and redress errors, not rule that 'liberty of Printing be reduc't into the power of a few'.²

Milton was not to know that the petition came from the pen of one of the most controversial political writers of the early English Civil War period, an unseen adversary who shared his view at this time that good government was parliamentary and bad government was absolute monarchy. Printed anonymously as *To the High Court of Parliament: The Humble Remonstrance of the Company of Stationers*, a copy was duly inscribed 'By Henry Parker Esq' by Parker's friend, the bookseller George Thomason, who added the date

'April 1643', seven months into the first civil war between Charles I and his parliament.³ On 14 June, Parliament fulfilled the *Remonstrance's* main aim by passing an ordinance (in lieu of statute with royal assent) for 'the Regulating of Printing', the censorship measure to which *Areopagitica* responded the following year. Parliament's order declared an intention to suppress 'the great defamation of Religion and Government' and mandated the pre-publication licensing of books and pamphlets by parliamentary appointees, binding this 'public service' to the Stationers' private interest by empowering the company to police the print trade.⁴

In this chapter, I consider *The Humble Remonstrance* in relation to Parker's other writings and to *Areopagitica*. It should be admitted at the outset that the *Remonstrance* suits the chapter's brevity, being a short, hack piece without a particularly engaging case. However, although a scant cipher, it promises clues to understanding the censorship debate of the period and to interpreting the brief encounter of Parker and Milton, two writers harnessed by recent scholarship to a republican theory of liberty as 'non-dependence'. In Quentin Skinner's influential account, Parker and Milton are foremost proponents of a paradigm of 'republican' or public liberty, holding that freedom is subverted by the presence of arbitrary political power, whose ultimate opponent is Thomas Hobbes in *Leviathan*. Others, following Skinner, have argued that aversion to dependence leads Milton to oppose formal censorship as inherently enslaving in *Areopagitica*.⁵ I suggest that the divergence of Parker and Milton points to the vagaries of theory in practice but also argue that a shared aversion to dependence can help explain their separation on censorship, inclining Parker to trust the state more and Milton to trust it less. In the final analysis, however, both were exercising a liberty to contribute to public counsel as a means to avoid arbitrariness in political decision-making.

Parker's *Remonstrance* does not discuss liberty directly. Its core contention, as the quotation above suggests, is that the 'public good' coincides with the private prosperity of printers and booksellers given due regulation of the press (71). Well-governed states advance through gains in knowledge, facilitated by secure rewards for good books and foreseeable punishment for bad books within a framework of licensing and registration, which Parker believed would curtail the anarchic upsurge of printers and printing seen in the early 1640s. 'Parliament wants no power to punish', he declared, and the Stationers had the ability to effectively prosecute its measures, along with the requisite 'good affection' to Parliament to curb delinquents (66–67). Parker depicted a current 'Confusion or Community of Copies' which dis-incentivized established printers and authors

while encouraging indigent others to publish error and heresy, necessitating 'severe Examiners for the licensing of things profitable, and suppressing of things harmful' (66, 69).

The *Remonstrance*'s complaint that printing had been the fuel of 'miserable civil war' was a pregnant parting shot in view of Parker's more incendiary political writings at this time (71). Several of his works featured in a blacklist of rebellion-fuelling tracts later drawn up by the Restoration censor Roger L'Estrange, citing their 'seditious' doctrines that monarchical power derived from the people, was conditional on serving the public good, and if necessary for the safety of the public could be displaced by the authority of Parliament as the 'whole body of the State'.⁶ In 1642, Charles I had singled out Parker's *Observations upon some of his Majesties late Answers and Expresses* as an example of Parliament's failure to restrain the 'Scandalous, Seditious and Traitorous Pamphlets against Our Self and Our Government'. In the month following the *Remonstrance*, Parker 'the Observator' produced *A Political Catechism* on Parliament's authority, which seized on apparent concessions in Charles's *Answer to the XIX Propositions* accepting 'Regulated Monarchy'.⁷

Although a hired pen, Parker can be taken to have believed what he wrote, or at least to have self-censored no more than other political writers. He believed in limited monarchy and press restraint. The 'republican' label was applied, then and now, for the implications and associations of his argument that when monarchy spurned regulation by parliamentary influence, becoming arbitrary, Parliament could govern without the monarch. Milton at this time was not dissimilar, though on press control, unlike Parker, he rejected the presumption in favour of censorship that extended across the political spectrum.

The divergence of Parker and Milton on licensing policy invites underestimating affinities in their thinking but also overstating their differences on censorship. Neither man saw the issue as being primarily about political dissent but rather about encouraging 'the advancement of wholesome knowledge', particularly the securing of religious truth (66). Neither writer saw cause to question post-publication punishment or to protect 'seditious' and 'libellous' books, the pamphlets of royalist 'malignants' and 'incendiaries', or religious-political 'popery' (66, 68, 96, 108, 123). The protestant 'neighbouring differences' defended by Milton, between impiety and 'perverted' Arminius, were not immeasurably wider than Parker's proposed path between 'the poyson of Socinus and Arminius' to the puritanism of Sibbes and Preston (66, 69, 104, 123). Both men attacked the anti-puritan censorship regime of the previous decade (both used Sarpi's *History of the Council of Trent*), both saw episcopacy's

campaign against print and in print as a cause of the civil war, and both feared the growing censorious influence of the bishops' former presbyterian targets.⁸

It is no small matter, of course, that Parker's tolerance was narrower than Milton's, or that he believed 'severe examiners' would advance knowledge more than Milton's open contest of ideas. Their differences will be approached here, however, in the light of their kindred thinking on 'publick liberty', or political liberty.⁹ To Hobbes, the public liberty claimed by writers like Parker and Milton was a chimera, because 'whether a Common-wealth be Monarchical, or Popular, the Freedome is still the same'.¹⁰ Such writers, he believed, confused the freedom of individuals within a state to act without interference, within limits determined by monarch or assembly, with a liberty of the whole state which was only exercised by the sovereign (in foreign affairs). They repeated the empty rhetoric of Greek and Roman authors who encouraged a popular belief that popular government involved additional liberty, intrinsically rather than at most instrumentally, drawing on ideas such as Aristotle's twofold description of democratic liberty as freedom to act without constraint and freedom to engage in governing.

In recent scholarship, Parker and Milton are among those thinkers taken to have identified public liberty not primarily with instrumentally achieving extra 'negative' freedom from constraint, or with a 'positive' liberty to participate politically, but with a 'neo-Roman' notion that sees an intrinsic link between independence from arbitrary political will and a 'negative' freedom to act and speak. As Skinner puts their case, merely the existence of a discretionary royal power to impose or veto policy and laws poses the danger that 'the body politic will be moved to act by a will other than that of the nation as represented in parliament'; but 'for a body to be subject to any will other than its own is for that body to be enslaved'.¹¹ As Parker had argued against Charles I's ship money levy, 'Where the meere will of the Prince is law ... wherein doe we differ from the most abject of bond-slaves?'; or as Milton later wrote, if we live in the gift of royal prerogative then we are 'no Common-wealth, nor free' but 'a multitude of Vassalls'.¹²

Skinner observes that cowed subjects of arbitrary executive government will be inclined to self-censor their words or actions, though the cause of their unfreedom is not themselves but the form of government, as the source of their condition of servitude and radical uncertainty.¹³ A corollary is that such self-censorship would disappear under non-arbitrary government, though another implication, ironically, would then seem to be that the will of the nation represented in Parliament could justify formal state censorship (and,

paradoxically, perhaps need censorship more, in lieu of self-censorship). This is the assumption that underpins the *Remonstrance*.

Parker's underlying position is illuminated by one striking difference between the *Remonstrance* and *Areopagitica*. Milton devotes the early part of his treatise to contending that, historically, licensing was spawned by the papacy and favoured by no 'well instituted State,' while avoiding mention of his own country's censorship history until the recent persecuting prelates (95–100, 105). Parker points out that 'England was not heretofore without a regulation in Printing' and lists several 'Wholesome Ordinances,' including the Elizabethan Star Chamber decree of 1586 (66), the forerunner of the 1637 Star Chamber decree, both decrees having served Charles I's censorship regime. The *Remonstrance* notes the loss of Star Chamber, whose abolition led to the explosion of uncensored print and ultimately the 1643 ordinance, which largely reimposed the licensing provisions of 1637. Milton calls Parliament's order 'the immediate image' of the Star Chamber decree (124–125).

The *Remonstrance*, then, not only does not condemn a royal censorship decree but condones one closely tied to Charles I's arbitrary tyranny. The possibility of an explanation can begin with Parker's use of the example of Star Chamber alongside ship money in his *Observations*. He argues that 'the Law of Prerogative' is subordinate to the paramount law of *salus populi*, the people's safety or welfare, a core argument for Parliament at this time. Parker contends that if either ship money or Star Chamber is against the public good its removal is a duty, not an act of royal grace, 'granting Prerogative to be but mediate, and the Weale Publike to be finall'.¹⁴ The contention is not that Star Chamber is against the public good *because* it is a prerogative court but that 'if' it does not serve the public good it should be abolished.

Viewed from a public liberty perspective, the suggestion is that the existence of prerogative need not be enslaving if it is directed towards the public welfare, since then by definition it is not arbitrary – it is the will of the prince but not his 'meere will'. The will becomes arbitrary when not determined by its proper end, the public good, which can occur if the prince denies that duty or does not adopt the means needed to rightly guide his will. The royalist response was to concede the duty but insist that God was the required guide; Parker and the parliamentarians insisted it was Parliament, as the king's 'public counsel' which, if ignored, could assume the exercise of the public will.

Parker's position, argued in the *Observations* and elsewhere, is that power originates with the people, who confer authority on the prince for protection and other benefits of executive government, but 'public consent' is ultimately with

Parliament as the supreme representative of the people. Parker's avowed view was that 'Parliament is Infallible', which has seen him labelled a 'parliamentary absolutist', relying on the same tenet of *salus populi* associated with monarchical absolutism.¹⁵ However, his conception allowed for royal rule up to a point when Parliament decided that its counsel was being actively ignored, endangering the nation. Skinner argues that insistence on the royal veto, the king's 'negative voice', was the crucial tipping-point but, in effect, this was because it marked the rejection of Parliament's voice – its counsel, judgement and, crucially, consent.

Turning back to the *Remonstrance*, it can be seen why Parker could support a Star Chamber decree imposing press licensing – he supported it up to a point. He says that decrees regulating printing emerged 'as well knowing that the publike good was very much concerned in that Art, and that no act did more depend upon the publike Care' (A1v). We can say that he endorsed licensing when Parliament (the king-in-Parliament) accepted that it served the public good, for political, religious and 'private' or trade reasons. But when the king and Parliament (Lords and Commons) differed on the matter – as they did about Star Chamber latterly – the judgement of Parliament was decisive. To Parker, both possibilities accorded with the avoidance of arbitrary political will, as did Parliament's subsequent reimposition of licensing.

We have seen that Parker did not simply support parliamentary censorship and oppose monarchical censorship, but this does not explain the contrast with Milton's clear opposition to both. This explanation can start by examining the suggestion that Milton's aversion to dependence led him to reject the 'potential persecution' represented by licensing, under which even an approving imprimatur could appear a mark of slavery.¹⁶ *Areopagitica* is dotted with references to servitude and vassalage, including his memorable protest against the writer's work appearing, like a child with a guardian, under the 'censors hand' – one of the very first uses of 'censor' in its modern sense (110).

However, it is questionable whether Milton's association of licensing with slavery is sufficient to explain his opposition to the 1643 ordinance in terms of a political theory of non-dependence, and it cannot explain his divergence from Parker. The dependence identified is essentially that of subjection to the licenser's discretion rather than immediately to arbitrary political will. If licensing is wrong for reasons other than being imposed by arbitrary political power, this will remain the case whether the government is monarchical or parliamentary, but then it is not clear why Milton's demonstration of reasons why censorship is wrong means it is ruled out by a political theory of non-dependence, at least directly.

The further step required is intimated by a small addendum to the variant historical account of censorship offered by *Areopagitica* compared to the *Remonstrance*. Milton, in concluding that no well-instituted state has favoured licensing, adds in confirmation that there is no 'Statute left us by our ancestors' (9). The intimation is not so much that Parliament alone embodies the well-instituted state, since a statute is an act of king-in-Parliament. It is that Parliament has shown itself to be a source of superior judgement on the case for and against censorship: a royal decree may be tacitly accepted by Parliament, as Parker suggested, but a statute implies full deliberation and accord. Censorship decrees were based on flawed reasoning but the correct judgement will be reached by Parliament giving full consideration to the reasons against licensing, which is where the intimation becomes the entire, openly-declared purpose of *Areopagitica*.

Parker and Milton both believe that men are treated as slaves when subjected to arbitrary will; a will is arbitrary when it is not determined by a due process of will-formation to achieve its end, and for political authority the end is the public good and the process is one of public counsel. Both men hold that the king's will is arbitrary when it does not heed Parliament, with Parker in particular hammering home the point that Parliament is the king's 'public counsel', contrasted with the 'private counsel' of courtiers. But Parker and Milton differ in their degree of assurance that Parliament's judgement can be non-arbitrary.

Parker, for political as well as intellectual reasons, specifically his immersion in Parliament's paper warfare with royalism, elevates the claims of Parliament's counsel to the point where its view is held to be intrinsically non-arbitrary, making it 'infallible' and self-sufficient in deliberation. Parker cannot concede that Parliament may infringe the liberty of the people by imposing dependence through its measures and appears blind to the practical dependence Milton identifies in licensing. Ideas of non-dependence help lead him to trust Parliament to censor for the public good. Milton, less immersed in the disputes between king and Parliament, believes that Parliament ensures its will is not arbitrary by heeding wider public counsel, importantly including the information conveyed by liberty of printing from men like himself, who although 'in a private condition' publish to 'advance the publick good'. Ideas of non-dependence help lead him to see why Parliament might otherwise act arbitrarily.

The case being made is not that Milton sees the need for published political counsel as itself the main argument against licensing: rather, liberty of printing facilitates the process of bringing the main reasons to the attention of Parliament, avoiding an arbitrary decision. Equally, licensing-as-dependence may be a key reason to avoid licensing because a government committed to political non-

dependence would not impose dependence at other levels, but it is the process of reasoning, not the absence of licensing as such, that makes the political authority non-arbitrary. Relatedly, Parker's faith in a non-arbitrary Parliament cannot be a complete explanation of his support for licensing, since clearly he too weighed reasons, presumably concluding that the damaging 'discretion' he identified in anti-puritan censorship was outweighed by concerns over religious and political instability, the needs of trade interests conducive to learning, and a conviction that discretion differed under parliamentary licensors.

This leads to a final point, which is that Parker's *Remonstrance*, and not only Milton's *Areopagitica*, represented practical engagement in a process of reasoning and public counsel through print. Parker's explanation of Parliament's infallibility was that 'the multitude hath onely a representative influence', not just because 'the people' cannot speak except through a representative but also in the sense that Parliament mediates their many voices such that 'they are not likely to sway, and yet some influence they have, and that enough to preserve themselves from being overswaid'. The 'absolutism' in his published writings was coupled with their purpose as contributions to securing non-arbitrary political conclusions, with Parker as a 'privado' writing to the public and to Parliament, cementing the 'Democraticall advantages' of Parliament as a representative.¹⁷ The *Remonstrance*, like *Areopagitica*, was addressed to Parliament as the people's proxy – the classical idea of the senate as the public – but, as Milton observed, writing in print was 'more publick' than a speech and was potentially to 'publish to the world' (116). Parker's tract on censorship was not his finest hour, but neither was it simply a 'fraud' to make men 'vassalls', as Milton claimed (125). It was a public appeal for public censorship.