

INTERPRETATION

A Journal of Political Philosophy

Volume 7/3

September, 1978

- | | | |
|----|---------------------|---|
| 1 | Leo Strauss | An Unspoken Prologue
to a Public Lecture
at St. John's
[In Honor of Jacob
Klein, 1899 - 1978] |
| 4 | John Alvis | Coriolanus and
Aristotle's Magnanimous
Man Reconsidered |
| 29 | Lawrence J. Johnson | The "Linguistic Imper-
ialism" of Lorenzo
Valla and the
Renaissance Humanists |
| 50 | Francis Canavan | John Milton and
Freedom of Expression |
| 66 | J. E. Parsons, Jr. | Halifax: The Complete
Trimmer Revisited |



QUEENS COLLEGE PRESS

INTERPRETATION

A Journal of Political Philosophy

Volume 7

Issue 3

Editor-in-Chief

Hilail Gildin

Editors

Seth G. Benardete - Hilail Gildin - Robert Horwitz - Ann McArdle
Howard B. White (1912-1974)

Consulting Editors

John Hallowell - Wilhelm Hennis - Erich Hula - Arnaldo Momigliano
Michael Oakeshott - Leo Strauss (1899-1973) - Kenneth W. Thompson

Managing Editor

Ann McArdle

Assistant Editor

Marianne Grey

INTERPRETATION is a journal devoted to the study of Political Philosophy.

It appears three times a year.

Its editors welcome contributions from all those who take a serious interest in Political Philosophy regardless of their orientation.

All manuscripts and editorial correspondence should be addressed to the Editor-in-Chief.

INTERPRETATION

Building G 101 - Queens College - Flushing, N.Y. 11367 - U.S.A.

Subscription Price

For institutions and libraries \$12 - For individuals \$10.

Subscriptions and correspondence in connection therewith should be sent to:
INTERPRETATION, G 101, Queens College, Flushing, New York 11367

QUEENS COLLEGE PRESS, FLUSHING, N.Y. 11367

JOHN MILTON AND FREEDOM OF EXPRESSION

FRANCIS CANAVAN
Fordham University

One of the more curious developments in recent intellectual history is the metamorphosis of freedom of speech and press into freedom of expression *tout court*. To cite but one somewhat bizarre example, *Time* reported in its July 12, 1976 number (p. 61) that Mike Nichols, Colleen Dewhurst, Ben Gazzara, Gay Talese and Ramsey Clark had attended a meeting to raise funds for the legal aid of one Harry Reems. The magazine described Mr. Reems as "the actor convicted on obscenity charges in Tennessee for his singular stint with Linda Lovelace in *Deep Throat*." Why were these celebrities so concerned to have this conviction appealed and, if possible, reversed? Mike Nichols explained: "It's not about taste. It's about freedom of expression. People should be free to explore anything they are moved to."

It no longer matters, it would seem, what is expressed, how it is expressed, or for what purpose it is expressed. All that matters is that someone wants to express it. The freedom of the press, under which films are now subsumed, has become freedom of expression, and freedom of expression has become an absolute.

Now, freedom of expression so understood may be the logical term toward which the theory of freedom of speech and press has inexorably tended from the beginning. At any rate, enough people, particularly among intellectuals and journalists, hold this view of the matter that one may call it the conventional wisdom of contemporary liberal society. On the other hand, the conventional wisdom may be wrong. It is possible that freedom of expression, detached from any consideration of justifying purpose, is not a development but a perversion of the tradition that furnished the rationale for freedom of speech and press.

Willmoore Kendall has listed the major works in that tradition in the following paragraph.

We may . . . speak properly of a *literature* of the problem of freedom of thought and speech, one easy to identify in the sense that most scholars in the field of political theory, regardless of their views on that problem. . . , would name the same list of "must" items dealing with the problem, and cite those

items over and over again when they address themselves to the problem. . . . the items are: Plato's *Apology* and *Crito*, Locke's *Letters concerning Toleration*, Spinoza's brief discussion of the problem in the *Tractatus*, Milton's *Areopagitica* and, above all. . . . Mill's *Essay on Liberty*.¹

Fully to answer the question of whether the current absolutist doctrine of freedom of expression is a development or a perversion of this intellectual tradition would require a thorough analysis of all the works listed by Kendall—to which list some would doubtless wish to add still other “classics.” But this article will attempt only a minor contribution to that task.

Kendall correctly describes the literature as dealing with freedom of thought and speech, because the freedom of the press was joined to it only after the invention of printing. Freedom to publish one's views in print has, however, been a major object of the struggle for intellectual freedom in the modern period. At the beginning of this effort stands John Milton's *Areopagitica*, said to be “the first work devoted primarily to freedom of the press.”² This article will confine itself, therefore, to *Areopagitica* and will ask how broad are the conclusions regarding freedom of expression that one may legitimately draw from it.

It is not an easy question to answer. As its subtitle declares, *Areopagitica* is a plea “for the liberty of unlicenc'd printing.” But it is not clear, nor is it universally agreed among scholars, how far Milton meant to go in his attack on censorship. As Arthur Edward Barker has remarked, “In spite of the radical tone of its arguments . . . the extent of the freedom Milton demands remains uncertainly restricted.”³

What Milton openly advocated in *Areopagitica* was considerably less than full freedom of the press as it is understood in modern liberal democracies. This fact does not of itself exclude the possibility that a greater freedom than he contended for was implicit in his premises and arguments. But all that he explicitly demanded was the abolition of the official prior censorship of books that had been established by an Order of Parliament in June 1643, somewhat over a year before Milton published his pamphlet.

The key phrase of this Order required that no “Book, Pamphlet, paper . . . shall from henceforth be printed . . . by any person or persons whatsoever, unless the same be first approved of and licensed under the hands of such person or persons as both, or either of the

said Houses [of Parliament] shall appoint for the licensing of the same . . . ”⁴ Milton’s declared object in *Areopagitica* was to persuade Parliament to revoke this requirement of licensing. It was compatible with this purpose to accept the punishment of authors and printers of books subsequent to publication and to set limits to the views that could be published without punishment. That was in fact Milton’s explicit position⁵—though it remains possible that he really wanted more than he openly asked for.⁶

Milton asserts that the licensing of books was an invention of the Council of Trent and the Spanish Inquisition, imported into England by Romanizing Anglican bishops.⁷ “Till then,” he says, “Books were ever as freely admitted into the World as any other birth; the issue of the brain was no more stifl’d than the issue of the womb. . . ; but if it prov’d a Monster, who denies, but that it was justly burnt, or sunk into the sea.”⁸ Again, Milton approves an earlier parliamentary order

that no book be Printed, unlesse the Printers and the Authors name, or at least the Printers be register’d. Those which other wise come forth, if they be found mischievous and libellous, the fire and the executioner will be the timeliest and the most effectuall remedy, that man’s prevention can use.⁹

Milton, then, opposes prior censorship or licensing but accepts subsequent punishment for “mischievous” (without defining the term) and libellous publications. He also indicates in the following passage that the toleration of the publication of diverse opinions that he proposes has limits:

Yet if all cannot be of one mind, as who looks they should be? this doubtles is more wholesome, more prudent, and more Christian that many be tolerated, rather then all compell’d. I mean not tolerated Popery, and open superstition, which as it extirpats all religions, and civill supremacies, so it self should be extirpat . . . : that also which is impious or evil absolutely either against faith or maners no law can possibly permit, that intends not to unlaw it self: but those neighboring differences, or rather indifferences, are what I speak of, whether in some point of doctrine or of discipline.¹⁰

Milton has often been hailed as a herald of the modern liberty of the press.¹¹ But, because of the restrictions he placed on toleration, others have taken a dim view of his liberalism. Thus Leonard W. Levy says: “Unquestionably several passages in the *Areopagitica*,

which are ritualistically quoted to the exclusion of all else, carry implications of majestic breadth, but no one who reads him with care should refer to 'Milton's dream of free speech for everybody.' " In fact, Levy claims, Milton's tolerance extended only to "Protestantism in a variety of Puritan forms."¹²

Willmoore Kendall, in the article previously quoted, contends that *Areopagitica* does not belong at all among the classics of freedom of thought and speech. Rather, it is really an anti-freedom tract.¹³ It lends itself easily to misinterpretation, Kendall concedes, because it "abounds in passages, highly quotable because of their intoxicating rhetoric, which when wrenched from context do indeed seem to commit Milton to the libertarian 'side' on the freedom of thought and speech issue." But Milton is arguing only for tolerance within an essentially closed society whose members are in such full agreement about important things that they can afford to tolerate one another. "The 'principles' that should have 'led Milton on' to demand a still broader toleration," says Kendall, "are simply not there."¹⁴

Enough has been said to indicate that there is considerable disagreement about the extent of the freedom that Milton advocated in *Areopagitica*. One source of the disagreement is the nature of *Areopagitica* itself. It was not a dispassionate and exhaustive investigation of the whole question of freedom to think and to publish one's thoughts. It was a pamphlet aimed at an immediate practical result: the repeal of the parliamentary Licencing Order. There is no reason to doubt Milton's sincerity, but in a pamphlet written with such an object, a man may well say both more and less than he would say in a philosophical treatise.

But, for the purpose of the present article, we may leave unanswered the question of what Milton "really meant" and how far he wanted to go in *Areopagitica*, and may proceed upon a different premise. We shall borrow it from a paper read by the Dean of St. Paul's, W. R. Matthews, at a conference held in London in 1944 to commemorate the tercentenary of the publication of *Areopagitica*, where he said:

We must own that Milton's conception of the nature of tolerable books was limited, and it appears that many who have not recently read his book have an exaggerated notion of what he urges as reasonable liberty. . . . Are we wrong, then, in venerating Milton as a pioneer of intellectual freedom? Certainly we are,

if we regard only what he himself intended, but we are right if we regard the arguments he used, for they carry us beyond the limits which he would have imposed.¹⁵

Now, to accept Dean Matthews' position is to do what Willmoore Kendall has told us we must not do, namely, to find "principles" that should have "led Milton on," but which are simply not there in his work. Let us assume Dean Matthews' reading of Milton none the less, not as demonstrably the correct reading, but as the most liberal one that can reasonably be sustained. Let us agree, for the sake of argument, that the arguments Milton used "carry us beyond the limits which he would have imposed." We may then ask to what limits, or lack thereof, they carry us in regard to freedom of expression.

Milton states in general terms two chief goals to be achieved by allowing the publication of books without prior censorship. He says that "books freely permitted are [a means] both to the triall of vertue, and the exercise of truth."¹⁶ In more modern terminology, reading a wide range of books that have been published without previous restraint helps men to develop their moral characters and to pursue truth.

Since that is the substance of Milton's case against censorship, he of course devotes his efforts to showing that freedom to publish really does serve the ends he states for it. But to argue for a freedom on the basis of the ends it serves to make the freedom less than absolute. For those uses of a freedom that do not promote, still more those which actually inhibit the achievement of the end, are not justified by the end and may even be prohibited by it. We may therefore ask how much freedom to publish can be inferred from the goals that Milton alleges to be served by the unrestrained publication of books.

Let us first consider the "exercise of truth." Truth, for Milton, is to be pursued by the use of human reason. Books are important because they embody, as it were, reason. Thus he says:

Books are not absolutely dead things, but doe contain a potencie of life in them to be active as that soule was whose progeny they are; nay they do preserve as in a violl the purest efficacy and extraction of that living intellect that bred them.

It is for this reason that Milton admits that Church and Common-

wealth may keep a vigilant eye on books and may “confine, imprison, and do sharpest justice on them as malefactors”: they are like the dragon’s teeth in the fable, and “being sown up and down, may chance to spring up armed men.”¹⁷

Milton’s real point, however, is that suppressing books is an attack on reason and on truth. He therefore immediately adds:

And yet on the other hand unlesse warinesse be us’d, as good almost kill a Man as kill a good Book; who kills a Man kills a reasonable creature, Gods image; but hee who destroyes a good Booke, kills reason it selfe, kills the Image of God, as it were in the eye.¹⁸

In this line of argument, then, books are valuable as expressions of reason. The function of reason is to seek truth. It is not necessary that the books that reason produces or uses should express only true opinions, since even erroneous ones have their uses. On this point Milton appeals to the authority of the eminent and learned member of Parliament, John Selden, who, he says, has proved “that all opinions, yea errors, known, read, and collated, are of main service & assistance toward the speedy attainment of what is truest.”¹⁹

Milton therefore is thinking primarily of the writing and the reading of books by intelligent and learned men. Having argued at length that the licensing system does not and cannot achieve the goal at which it aims, namely, the protection of the people against intellectual and moral corruption, he continues: “I lastly proceed from the no good it can do, to the manifest hurt it causes, in being first the greatest discouragement and affront, that can be offer’d to learning and to learned men.” Milton means those who “evidently were born to study, and love learning for it self, not for lucre, or any other end, but the service of God and of truth. . . .”²⁰

When such “a man writes to the world, he summons up all his reason and deliberation to assist him; he searches, meditates, is industrious, and likely consults and confers with his judicious friends; after all which done he takes himself to be inform’d in what he writes, as well as any that writ before him. . . .”²¹ What, then, can be more fair than to let a man of this kind “openly by writing publish to the world what his opinion is, what his reasons, and wherefore that which is now thought cannot be sound”?²²

When a man has done hard intellectual labor “only that he may try the matter by dint of argument,” for his opponents to silence

him by prior censorship "is but weaknes and cowardise in the wars of Truth. For who knows not that Truth is strong next to the Almighty; she needs no policies, nor stratagemes, nor licencings to make her victorious. . . ." ²³

The liberty that Milton seeks to defend is that of sincere, though possibly erring, seekers after truth. His argument assumes that truth, while never completely grasped, is attainable, that progress in finding it can be made, and that truth will emerge from open and honest intellectual debate. This is so even in regard to religious truth, from the discovery of which reason is by no means excluded. According to Barker, in the group of pamphlets of which *Areopagitica* forms a part, ²⁴ "the emphasis is not on reformation and divine prescript [as it was in Milton's earlier pamphlets] but on liberty and free reasoning. Instead of a rebuilding according to the clearly revealed pattern, reformation becomes a progressive search for truth." ²⁵

What, then, is Milton's conception of truth? "Truth," he says, "indeed came once into the world with her divine Master, and was a perfect shape most glorious to look on." But after the death of His apostles, "a wicked race of deceivers" arose who hewed the body of Truth into pieces. Since that time "the sad friends of Truth" have been "gathering up limb by limb." But we shall not find them all "till her Masters second comming; he shall bring together every joynt and member, and shall mould them into an immortall feature of lovelines and perfection." In the meantime, we must not prevent men by licensing laws from trying "to unite those dissever'd peeces which are yet wanting to the body of Truth." On the contrary:

To be still searching what we know not, by what we know, still closing up truth to truth as we find it (for all her body is *homogeneal*, and proportionall) this is the golden rule in *Theology* as well as in *Arithmetick*, and makes up the best harmony in a Church; not the forc't and outward union of cold, and neutrall, and inwardly divided minds. ²⁶

Milton was neither a skeptic nor a relativist. Sirluck points out: "What must be emphasized is that although the truth is now known only in part, this part is absolutely known." ²⁷ We search for what we know not by what we do know. Nor need we fear that the search will end in anything other than the truth. Milton assures us:

And though all the winds of doctrin were let loose to play upon the earth, so

Truth be in the field, we do injuriously by licencing and prohibiting to misdoubt her strength. Let her and Falshood grapple; who ever knew Truth put to the wors, in a free and open encounter. Her confuting is the best and surest suppressing.²⁸

At least in the part of *Areopagitica* in which Milton contends that freedom to publish will certainly forward the pursuit of truth, he seems open to B. Ifor Evans' comment:

His conception is based ultimately on the conditions which might have prevailed in a small Athenian community had printing been then invented. It presupposes a small audience, all of them capable of forming their own judgments, with ample discussion to correct false views. He has in mind the formulation of adequate conclusions by a Socratic method. Even the England of his own day did not fit that picture altogether, and the world of our own does not fit it at all. A small group of men in full command over the machinery of the press, or of the radio, effect a secret tyranny over the minds of millions.²⁹

Whatever one may think of the alleged tyranny of the communications media, as we now call them, it would seem that Milton's argument is most applicable to academic publications. Its applicability diminishes steadily as one moves out of the academic world, in which a reasoned presentation of one's views must at least appear to be made, into a world of writing in which there is far less, and often no, pretense at the rational pursuit of truth. If one wishes to defend an unqualified freedom of expression in such publications as gossip columns, commercial advertisements, comic books, pornographic magazines and films, and other forms of popular entertainment, one must look for arguments elsewhere than in this part of *Areopagitica*. An argument proves no more than it proves, and all that Milton is here trying to prove is that freedom to present a reasoned exposition of one's views will aid the pursuit of truth. He is not speaking of catering to tastes that have little or nothing to do with a desire for the truth.

There is, however, another line of argument in *Areopagitica* that may be more to the purpose of defending an absolute freedom of expression, the one concerned with "the triall of vertue." Here Milton argues that the knowledge of good depends upon the knowledge of evil, and the development of virtue upon confrontation with vice. This state of affairs is the result of original sin:

It was from out the rinde of one apple tasted, that the knowledge of good and

evill as two twins cleaving together leapt forth into the World. And perhaps this is that doom which *Adam* fell into of knowing good and evill, that is to say of knowing good by evill.³⁰

We are no longer living in the Garden of Eden, and this has important consequences for our moral lives.

As therefore the state of man now is; what wisdome can there be to choose, what continence to forbear without the knowledge of evill? He that can apprehend and consider vice with all her baits and seeming pleasures, and yet abstain, and yet distinguish, and yet prefer that which is truly better, he is the true wayfaring Christian.³¹

Because we are born in sin, "we bring not innocence into the world, we bring impurity much rather." We can no longer, therefore, seek the vanished virtue of a prelapsarian innocence: "that which purifies us is triall, and triall is by what is contrary." We must not flee the knowledge of evil: "That vertue therefore which is but a youngling in the contemplation of evill, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank vertue, not a pure. . . ." And this, says Milton, "was the reason why our sage and serious Poet *Spencer* . . . describing true temperance under the person of *Guion*, brings him in with his palmer through the cave of Mammon, and the bow of earthly blisse that he might see and know, and yet abstain."³²

It might seem to follow that the true wayfaring Christian should perform his own rite of passage through such bowers of earthly bliss as are available by frequenting taverns, brothels, gaming houses and opium dens in order to see and know, and yet abstain. But Milton does not draw that conclusion. Instead, he says:

Since therefore the knowledge and survey of vice is in this world so necessary to the constituting of human vertue, and the scanning of error to the confirmation of truth, how can we more safely, and with less danger scout into the regions of sin and falsity then by reading all manner of tractats, and hearing all manner of reason? And this is the benefit which may be had of books promiscuously read.³³

The unrestricted reading of books, and therefore their unrestrained publication, is a positive aid to moral growth, with which wise and good men cannot dispense. Milton does not deny that to the many who are weak, reading bad books may be a temptation or at best a waste of time. He is content to say that "bad books . . . to a

discreet and judicious Reader serve in many respects to discover, to confute, to forewarn, and to illustrate,"³⁴ and to insist that to mature men

such books are not temptations, nor vanities; but usefull drugs and materialls wherewith to temper and compose effective and strong med'cins, which mans life cannot want. The rest, as children and childish men, who have not the art to qualifie and prepare these working mineralls, well may be exhorted to forbear, but hinder'd forcibly they cannot be by all the licencing that Sainted Inquisition could ever yet contrive. . . .³⁵

This leads Milton into his next contention, namely, that the attempt to protect the masses from temptation by licensing publications simply will not succeed. Furthermore, he argues, if we hope "to rectifie manners" by regulating printing, in consistency "we must regulat all recreations and pastimes, all that is delightful to man," but that will only "make us all both ridiculous and weary, and yet frustrat. . . ."³⁶ We must accept the fact that all the pleasures of life are subject to abuse, and that it is not the licensing of books or of anything else that will restrain the abuses. We must rather rely on "those unwritt'n or at least unconstraining laws of vertuous education, religious and civill nurture. . . ; these they be which will bear chief sway in such matters as these, when all licensing will be easily eluded."³⁷

God Himself, after all, showers us with "all desirable things," while commanding us to be temperate, just, and continent. "Why should we then affect a rigor contrary to the manner of God and nature, by abridging or scanting those means, which books freely permitted are, both to the triall of vertue, and the exercise of truth." We should rather "learn that the law must needs be frivolous which goes to restrain things, uncertainly and yet equally working to good, and to evill."³⁸

Milton's thesis is no more than that the effort to protect morals by prior censorship is bound both to be ineffective and to deprive good men of a positive benefit. But the arguments he presents for his thesis would seem to sustain the further conclusion that the publication of books should not be subject on moral grounds to subsequent punishment. For the latter, too, is and is intended to be a restraint on publication. If, then, the publication of books that present vice in its most alluring forms is on the whole a benefit to mankind, it ought to be free of any legal restraint either previous or subsequent.

One reason for not accepting this conclusion is that, as one writer has put it, Milton himself allows for the suppression as well as the publication of books and his "opposition seems to be not so much against a policy which will permit suppression as against a policy which would put the power of restraint into the hands of unfit persons."³⁹ This much is true, that throughout *Areopagitica* Milton's wrath is directed chiefly against the requirement that a writer's work, before it can appear in print, must be subject to what in one place he calls "the hasty view of an unleasur'd licencer, perhaps much his younger, perhaps far his inferiour in judgement, perhaps one who never knew the labour of book-writing. . . ."⁴⁰

But it can be replied to this that in *Areopagitica* Milton was preoccupied with licensing and prior censorship precisely because a Licencing Order was in effect and the immediate need was to have it repealed. It does not follow that he would have been willing to have writers and printers subject to subsequent penalties for publishing the kind of "bad books" that he defended.

That leads to the more basic question, how wide a range of books did Milton defend. A French writer, Jean-Jacques Mayoux, has described the liberty that Milton advocated in very broad terms, but none the less with significant limitations. The important theme of *Areopagitica*, he says, is the urgent plea that it makes for freedom to write everything, to read everything, and to experience everything at least in imagination, as a necessary element of the moral liberty of a responsible human person.⁴¹ Milton, he says, defends not only man as the rational and autonomous master of himself, but man as the experiencer of pleasure. Himself a Puritan, Milton takes a malicious pleasure in ridiculing all puritans from Plato onwards. This is Milton the artist and man of sensibility speaking.⁴² And yet, Mayoux adds, we must not make Milton into the kind of contemporary critic who pleads the cause of *The Story of O* or the writings of the Marquis de Sade. "The idea that one can read or write without bearing one's responsibility in mind never occurred to him, would have seemed to him devoid of sense."⁴³

In *Areopagitica* Milton discusses what Herbert Read calls the "scurrilous writers of antiquity" and, according to Read, "is clearly of the opinion that there never was a case for suppressing any of them." He refers also to "Milton's tolerance of the printing even of obscenities."⁴⁴ But tolerating the occasional scurrility or obscenity

of acknowledged classics seems to be about as far as Milton was willing to go.

Allen H. Gilbert devoted an article to Milton's views on obscenity, and concluded with the following remarks, which are worth quoting *in extenso*.

Milton deals with the use of plain or bawdy language in two situations. The first is the instance of strong feeling, as when God denounced the wickedness of the Jews. The second is the comic employment of such language. . . .

The comic authors Milton liked suggest what his practice would have been had he attempted comedy. Aristophanes he calls the "loosest" of the old comedians and a book "of grossest infamy," yet he refers to the Greek as though not unfamiliar with him, and annotators have traced to him passages in *Paradise Regained*. He had no objection to the reading of "scurrill Plautus" and thought his jests, like those of the old Greek comedians, "elegant, urbane, clever, and witty." The bawdry of Shakespeare and Jonson did not cause Milton to withhold his admiration. The sexual double meaning jocosely employed [by Milton himself] in the attack on [Alexander] More is quite such as a comic author familiar with Italian literature might employ.

Altogether, Milton's literary background, his theory of what is allowable in stirring up laughter, and his practice in both verse and prose . . . lead one to suppose that had he attempted comedy, he would when required by decorum—"the grand masterpiece to observe"—not have hesitated to set down passages as bawdy as some of those in Jonson and Shakespeare, his favorite English comedians.⁴⁵

But there is a considerable distance between the bawdiest passages in Aristophanes, Plautus, Shakespeare or Jonson and *The Story of O* or *Deep Throat*. That is to say, there is a difference between the occasional and, in Milton's eyes, justified use of obscenity in literature and works that pander to prurience, morbid curiosity, lust and the appetite for violence.

There remains the question of the literature that, according to Milton, reveals "vice with all her baits and seeming pleasures" and presents "the utmost that vice promises to her followers."⁴⁶ Milton does not name it. Presumably it is the same scurrilous literature, largely of antiquity, that he has been discussing up to that point in his text. Be that as it may, it is worth remarking that the conclusion of his defense of freely permitting books as a means to "the triall of vertue and the exercise of truth" is that "the law must needs be frivolous which goes to restrain things, uncertainly and yet equally working to good, and to evill."⁴⁷ A literature that works equally to

good and to evil may indeed contain passages that offend pious ears or create temptations for the immature. But it is surely something less than a massive and sustained solicitation to vice.

Milton's defense of "books promiscuously read" is that they serve a moral as well as an intellectual end: "the knowledge and survey of vice [that] is in this world so necessary to the constituting of human vertue."⁴⁸ One must ask, then, how much and what kind of survey of vice is needed to constitute human virtue. The works that set before the reader the utmost that vice promises to her followers must be compatible with this end. If one wishes to use Milton's argument in favor of absolute freedom of expression, one must show that it serves the moral end by which he justifies reading "bad books." Today, that would require a demonstration that every possible presentation of vice, complete with audio-visual aids, is necessary or at least useful for the development of moral character.

It would not be necessary to show that the works protected by absolute freedom of expression are *intended* to serve a moral end. Milton defended reading works which he regarded as immoral in their intention. But it would be necessary to show that the works protected *do* in fact serve a moral end. Milton clearly thought that the immoral works of literature that were available in his day served such a purpose, at least for a judicious reader. It does not follow that he would have thought the same about all of the immoral or merely trivial publications available today. More importantly—since what Milton would have thought is not the controlling consideration—it is taxing credibility to maintain that we can stretch his justification of "bad books" to cover the whole range of publications on our contemporary market. That would be asking us to believe that pandering to the lowest tastes of a mass audience performs the function of helping the true wayfaring Christian—or, for that matter, the highminded agnostic—to see and know, and yet abstain.

Granted Milton's contention that one cannot be truly temperate who has not experienced and learned to master the enticements of pleasure, it does not follow that an unrelenting assault on the passions is an aid to temperance. Milton's thesis, after all, is that "passions within us, pleasures round about us. . . *rightly temper'd* are the very ingredients of vertue."⁴⁹ There must be some proportion between the means and the end, if one wishes to remain within the framework of Milton's thought. But today there is a vast quantity of

publication—including photographs, films, records, and other products of modern technology—that makes no pretense or only the flimsiest pretense of serving any end other than the uninhibited satisfaction of desire. One finds in it no proportion between the means employed and a moral (or, for that matter, an aesthetic) end. It is this kind of publication, above all, that is defended by the plea for absolute freedom of expression, because the meaning of the plea is that expression is a value in itself and needs no relationship to a justifying, and potentially limiting, purpose.

To absolutize freedom of expression by detaching it from purpose is therefore not only to go beyond anything that Milton advocated but beyond anything that can reasonably be inferred from his premises. In *Areopagitica*, Milton was contending for the removal of certain limits on publication, and therefore gave only passing attention to the limits that he would maintain. Those that he mentioned were certainly more stringent than would be generally acceptable today. But even if we agree with Dean Matthews that Milton's arguments carry us beyond the limits which he would have imposed, his arguments do not lead to the conclusion that there should be no limits. To the extent, then, that Milton represents or, on a liberal interpretation of his thought, can be made to represent the intellectual tradition in favor of freedom of the press, the contemporary absolutist position on freedom of expression is not a development but a perversion of that tradition.

¹ "How to Read Milton's 'Areopagitica,' *Journal of Politics*, XXII (1960), as reprinted in Nellie D. Kendall, ed., *Willmoore Kendall contra Mundum* (New Rochelle, N.Y.: Arlington House, 1971), pp. 168-69.

² Ernest Sirluck, "Introduction," *Complete Prose Works of John Milton*, vol. II, ed. E. Sirluck (New Haven: Yale University Press; London: Oxford University Press, 1959), p. 163.

³ *Milton and the Puritan Dilemma* (Toronto: University of Toronto Press, 1942), p. 88.

⁴ *Complete Prose Works*, ed. Sirluck, II, 797; the complete text of the Order is found in Appendix B, pp. 797-99.

⁵ Sirluck takes this as Milton's genuine position. "Introduction," pp. 163-64.

⁶ Joseph Anthony Wittreich, Jr., so argues in "Milton's *Areopagitica*: its Isocratic and Ironic Contexts," in James D. Simmonds, ed. *Milton Studies*, IV (Pittsburgh: University of Pittsburgh Press, 1972), pp. 109 ff.

⁷“It is remarkable how generally this view has been accepted, for it is widely at variance with the facts.” Sirluck, “Introduction,” p. 158.

⁸*Areopagitica*, in *Complete Prose Works*, II, ed. Sirluck, p. 505. All subsequent references to *Areopagitica* will be to this edition.

⁹*Ibid.*, p. 569. Sirluck remarks in a footnote: “There is an ambiguity here. It was a legal offence for books to be published anonymously or without the publisher’s imprint, even though they were neither ‘mischievous’ nor libellous; it was another offence to publish ‘mischief’ or libel, even though the publication carried the name of author and publisher.”

¹⁰*Ibid.*, p. 565.

¹¹See, for example, Wilber Elwyn Gilman, *Milton’s Rhetoric: Studies in His Defense of Liberty* (University of Missouri Studies, 1939), p. 10; Don Marion Wolfe, *Milton in the Puritan Revolution* (New York: Thomas Nelson and Sons, 1941), p. 136; Herbert Read, *A Coat of Many Colours* (New York: Horizon Press, 1956), pp. 336-37; Harold Laski, “The *Areopagitica* after Three Hundred Years,” in Hermon Ould, ed., *Freedom of Expression* (Port Washington, N.Y., and London: Kennikat Press, 1970), p. 175.

¹²*Legacy of Suppression* (Cambridge, Mass.: Belknap Press, 1960), p. 95.

¹³*Op. cit.*, p. 169.

¹⁴*Ibid.*, pp. 175-77. For an even more radical assertion of Milton’s authoritarianism, see John Illo, “The Misreading of Milton,” *Columbia University Forum*, VIII, 2 (Summer 1965), 38-42.

¹⁵“The Philosophical Basis of Toleration,” in Ould, ed., p. 78.

¹⁶*Areopagitica*, p. 528.

¹⁷*Ibid.*, p. 492.

¹⁸*Ibid.*

¹⁹*Ibid.*, p. 513.

²⁰*Ibid.*, pp. 530-31.

²¹*Ibid.*, p. 532.

²²*Ibid.*, p. 548.

²³*Ibid.*, pp. 562-63.

²⁴“The divorce pamphlets, the *Areopagitica* and *Of Education* form a group not only in time but because each contributes to Milton’s definition of Christian liberty, ‘domestic or private.’” *Op. cit.*, p. 118.

²⁵*Ibid.*, p. 75.

²⁶*Areopagitica*, pp. 549-51.

²⁷“Introduction,” p. 180.

²⁸*Areopagitica*, p. 561.

²⁹“Lessons of the *Areopagitica*,” *Contemporary Review*, 166 (1944), 344.

³⁰*Areopagitica*, p. 514.

³¹*Ibid.*, pp. 514-15.

³²*Ibid.*, pp. 515-16.

³³*Ibid.*, pp. 516-17.

³⁴*Ibid.*, p. 512.

³⁵*Ibid.*, p. 521.

³⁶*Ibid.*, pp. 523-26.

³⁷ Ibid., p. 526.

³⁸ Ibid., p. 528.

³⁹ Warner G. Rice, "A Note on *Areopagitica*," *Journal of English and Germanic Philology*, XL (1941), 476.

⁴⁰ *Areopagitica*, p. 532.

⁴¹ "Un classique de la liberté: l'Aréopagitique de John Milton," *Critique*, XIII (1957), 201.

⁴² Ibid., pp. 204-05.

⁴³ Ibid., p. 202. The translation is mine; the original is: "L'idée que l'on pût lire ou écrire sans avoir présente à l'esprit sa responsabilité ne l'effleurait pas, lui aurait paru vide de sens."

⁴⁴ Op. cit., p. 339.

⁴⁵ "Milton's Defense of Bawdry," in John Max Patrick, ed., *SAMLA Studies in Milton* (Gainesville: University of Florida Press, 1953), pp. 69-71.

⁴⁶ *Areopagitica*, pp. 514-15.

⁴⁷ Ibid., p. 528.

⁴⁸ Ibid., pp. 516, 517. James Holly Hanford describes Milton's moral ideal in these terms: "Deeply sympathetic with the aspirations of men toward freedom of life he yet esteems freedom only as the essential condition for the functioning and self-development of the 'inner check.' Outward freedom and inward control or freedom with discipline is the authentic humanistic formula which Milton applies in all the domains of education, politics, morality, religion, and art. . . . The Platonic subordination of the lower faculties of man to the higher is the central doctrine of his philosophy of life." *John Milton: Poet and Humanist* (Cleveland: Western Reserve University Press, 1966), p. 182. Cf. Edward Dowden, *Puritan and Anglican* (London: Kegan Paul, Trench, Trübner & Co., 1900), p. 133; Mayoux, p. 196; A. S. P. Woodhouse, "Milton, Puritanism and Liberty," *University of Toronto Quarterly*, IV (1935), 497-98.

⁴⁹ Ibid., p. 527; italics added.