Ordinary Subjects of Tyranny: 
Practical Constitutionalism and Public Judgment in the Political Thought of George Buchanan

Introduction

In the contemporary world, important decisions about matters of public concern are made entirely outside the public eye. From the management of the economy by private banks to the structuring of public discourse by private social media companies and internet service providers, it is no longer shocking to observe that our lives are privately managed, and poorly at that. And yet, many of our best arguments for democratic social reform are grounded in individual rights and protections, identifying the damage done to individuals by powerful private interests without making a case for public judgment and transparency as goods in themselves. This is even true, at times, of arguments made by defenders of democratic rights, who succumb to what Nadia Urbinati calls the “unpolitical temptation in contemporary democratic theory”: the desire to avoid antagonism by treating controversial matters of public concern as the proper subject of impartial deliberation by experts, rather than “keeping the process of judgment and will formation open to scrutiny and revision.”1 As Urbinati suggests, robust public judgment is not simple adherence to public opinion, but the result of a public deliberative process; for this reason, I am particularly interested in democratic arguments that concern themselves with the pragmatic value of opening the “process of judgment” to a wider public, where public goods are concerned. In this paper, I will discuss how one sixteenth-century thinker, the Scottish humanist George Buchanan, used fictional tragedy to develop pragmatic arguments for public judgment as a constitutional principle.

The history of sixteenth and seventeenth century constitutional thought might seem an unlikely place to seek such arguments: after all, if the antipathy to political conflict is strong today, it was even stronger in early modern Europe, where dissent could be seen as the sign of an unhealthy commonwealth and monarchies had extensive powers to execute royal decisions. Furthermore, scholarship tracing the influence of democratic ideas on the development of constitutional thought during this period has generally been concerned to uncover early modern origins for contemporary concepts of political rights rather than other kinds of arguments. Quentin Skinner, for instance, has reconstructed theories of the rights of the people to place limits on public power by studying the “resistance theory” of the period—responses to “tyrannical” abuse of power that sought to sanction various forms and degrees of popular resistance, up to and including tyrannicide, by appealing to national history and divine law.

More recently, Daniel Lee has turned to early modern jurisprudence to understand the emergence of the concept of popular sovereignty in constitutional thought, focusing especially on the sovereign power of the people to constitute legitimate public authority. Both of these approaches have revealed a great deal of the theoretical prehistory of contemporary democratic constitutionalism, but have not treated in much detail the history of pragmatic arguments for democratic reforms, even under monarchy.

In this paper, I want to consider a single key figure in sixteenth century constitutional thought—George Buchanan—to consider how his poetic political writings emphasize the

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practical value of public judgment. Buchanan is that rare sixteenth-century figure who was both hugely influential throughout Europe and an unapologetic proponent of elements of classical democratic thought. Best known today for his far-reaching doctrine concerning the right of any subject to kill a tyrannical ruler, Buchanan also denounced Portuguese imperialism, defended a strongly limited monarchy, and tried, with little success, to instill these principles in his most famous student, James VI of Scotland, later James I of England.5 I argue that, by utilizing forms of poetic writing—the philosophical dialogue in his De iure regni apud Scotos [On the Law of Kingship among the Scots] and the political tragedy in his Baptistes [The Baptist]—Buchanan practiced a kind of “practical constitutionalism” that aimed to educate both rulers and subjects in political judgment, teaching subjects how to distinguish monarchy from tyranny and teaching rulers to make decisions in the awareness that they are under constant public scrutiny.

I employ the term “practical constitutionalism” in order to suggest an important distinction between early modern theories of limited monarchy and popular sovereignty and the constitutionalism underpinning modern constitutional democracies. As Lee has argued, early modern constitutional ideas pre-date the emergence of modern nation-states and thus imagine very different configurations of public power, configurations that do not entirely map onto modern distinctions between a sovereign people and a constituted government.6 Furthermore, early modern constitutional ideas were oriented not toward written laws, but rather toward sets of customary practices and institutions understood in terms of classical, especially Aristotelean, political philosophy. In this context, thinkers were interested in arrangements of the different


6 See Lee, Popular Sovereignty, pp. 5-15.
parts of a polity, the ways that each part related to the whole in different configurations, and the means by which one configuration could be transformed into another. “Tyranny,” for thinkers like Buchanan, was not simply rule by an immoral king, but a form of rule in which “to refer everything to the will of a single man and to transfer to him power over all the laws has the same effect as annulling them altogether,” a reorganization of customary institutions and arrangements of people once they have deteriorated to the point that good governance is no longer possible.⁷

Theories of education provided early modern humanists with a practical framework for thinking about how people are disposed and organized and thus, I suggest, were inseparable from early modern constitutionalism. The most famous proponent of humanist learning in Northern Europe, Desiderius Erasmus, makes the homology between education and constitutional institutions explicit in his treatise Institutio principis Christiani [The Education of a Christian Prince], where he contrasts elective monarchies, such as existed in Poland and the Holy Roman Empire, with the hereditary monarchies of countries like England, France, and Spain. In nations where the prince inherits the office of king rather than being chosen for it, Erasmus suggests, education takes the place of election: “the main hope of getting a good prince hangs on his proper education, which should be managed all the more attentively, so that what has been lost with the right to vote is made up for by the care given to his upbringing.”⁸ As I will show, for Buchanan, as for Erasmus, educational texts could be constitutional documents in their own right, serving as informal attempts to manage kings and reconfigure subjects.

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⁷ Ad suum enim unius nutum omnia revocare et omnium vim legum in se transferre eandem vim habet ac si omnes leges abroges. The Latin text and English translation of the De iure are from Roger A. Mason and Martin S. Smith, eds. trans., A Dialogue on the Law of Kingship among the Scots (Ashgate, 2004), pp. 86-7.

Humanist educational theories especially valorized the reading of poetic fictions as an educational method accessible to wider groups of people than the specialized study of theology, history, law, or philosophy. For this reason, it should not be surprising to find forms of practical constitutionalism at work in philosophical dialogues and tragedies written with an educational aim, like Buchanan’s. As I will show, however, Buchanan also explicitly concerns himself with the weaknesses in constitutional arguments based solely on historical or Scriptural evidence, employing poetry to encourage philosophical reflection on the customary forms of monarchical authority. It is through fiction, I argue, that Buchanan enables the subjects of monarchy to recognize tyranny and makes rulers aware that they cannot hide their interests and intentions from astute public judgment: indeed, that it is far more practical not to try.

The historical and political context of Buchanan’s thought

George Buchanan was widely known in sixteenth-century Europe as a leading Latin intellectual, a towering Protestant educator, and a fierce political opponent of the Catholic Mary, Queen of Scots. Born in Stirlingshire, Scotland, in 1506, Buchanan studied at St. Andrews and the University of Paris under the philosopher John Mair, whose contention that kings and popes rule by the consent of their subjects proved central to Buchanan’s intellectual development. For much of his early career, Buchanan moved among France, Scotland, and Portugal, working as a private tutor and school teacher and developing an international reputation for his Latin poetry. At the same time, Buchanan narrowly escaped charges of heresy on multiple occasions, including a period of imprisonment by the Portuguese Inquisition, although he did not openly conform to Protestantism until he returned to Scotland around 1560. In this latter portion of his

career, Buchanan became increasingly involved in political affairs: in particular, he turned his literary talents to support the opponents of Mary Stuart, who was forced to abdicate the Scottish throne in 1567 after a powerful faction of the Protestant nobility painted her as a tyrant by accusing her of the murder of her husband, Lord Darnley. Buchanan also supported this cause as the tutor to Mary’s son and heir, the young King James VI of Scotland, from 1570 until his death in 1582.

As his career suggests, Buchanan’s political writings consistently balance direct intervention in public affairs with a longer view of the education of both rulers and subjects. Buchanan’s most important work of political theory was his dialogue *De iure regni apud Scotos* [On the Law of Kingship among the Scots], which he wrote in the late 1560s to provide ammunition for Mary’s opponents during the crisis around her abdication; the *De iure* was not printed, however, until 1579. On the other hand, Buchanan’s political tragedy *Baptistes* [The Baptist] was originally written for performance by students at the Collège de Guyenne in Bordeaux, during the short period in the 1540s that Buchanan was employed as an instructor there. Although it was a pedagogical play, *Baptistes* received enough attention for its political content that Buchanan had to answer for it to the Inquisition in 1550, to whom he claimed that its critique of tyranny was limited to an analogy to Henry VIII. The play was printed for the first time by English Protestants in 1577 and again in a 1642 English translation, where Parliamentarian opponents of the English monarchy gave it the title *Tyrannicall-Government Anatomized*. Both of Buchanan’s major political publications, then, were associated with a contemporary critique of “tyranny,” but they were neither political pamphlets nor programmatic

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treatises; rather, I argue, they were educational works concerned with the long-term stability of monarchy and the liberties of monarchical subjects.

In his De iure, Buchanan develops an ideal theory of monarchy that is easily recognizable in the context of other sixteenth-century accounts of limited monarchy and “monarchical republicanism,” although Buchanan’s theory goes further than most others in stripping the king of traditional powers. A good king, Buchanan argues, is not significantly different from the executives in a republic— the Venetian doge or the Roman consuls; he is “one of the ordinary people [uni e multitudine], who is not greatly superior to others or is perhaps inferior to some of them.” For this reason, Buchanan’s ideal king must be entirely subservient to the laws of the commonwealth: the law should be “yoked to the king to show him the way when he does not know it or to lead him back to it when he wanders from it.” As much as possible, Buchanan delegates the legislative and judicial functions of government to the magistracy: he assigns day-to-day deliberation to the king’s council and argues that legislation should be proposed by a kind of parliament and (as I shall shortly discuss), approved by plebiscite. For the most part, Buchanan assigns legal judgment to jurists and ordinary judges: even, crucially, when questions of equity are concerned. Further, Buchanan argues strongly against the traditional view that questions of legal interpretation should be referred to the king: permitting the king to interpret laws, Buchanan suggests, is tantamount to unyoking him from the governance of law

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12 Nam et quem nos Venetorum ducem vocamus, is nihil aliud est quam rex legitimus, et consules primi non modo regum insignia sed imperium etiam retinuerunt. De iure, pp. 34-5. cum uni e multitudine is honor habetur qui non multo sit alillis excellientior aut etiam quibusdam inferior, periculosam esse liberam istam et solutam legibus licentiam. Ibid., pp. 58-9.
13 Quamobrem legem ei adiungendam censuerunt homines prudentissimi quae vel ignoranti viam ostendat vel aberrantiem in viam redurat. Ibid., pp. 32-3.
14 Ibid., pp. 44-5, 54-55.
altogether. The ideal king, for Buchanan, is an executive with no power to make or interpret law and no latitude to diverge from the law in his judgments and actions.

While Buchanan presents this kind of highly limited monarchy as right in the *De iure*, the form of his political theory belies the treatment of this ideal as a straightforward recommendation. The *De iure* takes the form of a dialogue between Buchanan and Thomas Maitland, a promising young statesman whose modesty makes him both a good student and an overly deferential observer of the Scottish monarchy. Above all, as I will show, Buchanan’s dialogue aims to confront Maitland—and readers like him who are conflicted about their duties as monarchical subjects—with an ideal image of limited monarchy in order to teach him how to recognize the difference between a good monarchy that should be obeyed and a tyranny that should be resisted. The ordinary subjects of monarchy, Buchanan suggests, rather than being ignorant or ill-equipped to make this distinction, are, on the contrary, the only members of the commonwealth capable of this sort of judgment, if only they receive the proper instruction.

**The democratic imagination of the *De iure regni***

As I have already shown, the ideal monarchy depicted in George Buchanan’s dialogue *De iure regni* represents an extreme form of monarchical republicanism, stripping the king of most of his powers of legislation, deliberation, and judgment and elevating the rule of law above kingly discretion in every circumstance. At the same time, as I will suggest, there is also a distinctly democratic strain to the *De iure*, which defends the practical benefits of popular participation in government. This defense informs both Buchanan’s ideal theory and the educational purpose of his dialogue, which seeks to institute popular observation and judgment of the monarchy even in the absence of widely shared powers of participation in it. Key to this

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15 Ibid., pp. 56-67.
educational aim, in turn, is Buchanan’s use of poetic fiction as a supplement to historical and theological arguments.

Buchanan’s ideal monarchy reserves a clear place for popular participation in legislation. New laws, Buchanan argues, should be developed by “selected men from all estates” in council with the king; however, once this body has drawn up a “preliminary resolution,” it should be “referred to the judgment of the people” for confirmation.\(^{16}\) The Greek term that Buchanan uses for the bill to be judged by the people—\emph{probouleuma}—suggests that he has the workings of the ancient Athenian democracy in mind, in which the smaller institution known as the \emph{boule} prepared such proposals for voting by the wider assembly \emph{[ekklesia]} of citizens. The impetus for this procedure is pragmatic: Buchanan says that he wants to avoid the imposition of laws by force, either on subjects or on the king, preferring that, “after consultation with the king in council, a decision should be taken in common in matters which affect the common good of all.”\(^{17}\) The people should participate in legislation, in short, because they will more readily obey common decisions than commands imposed on them by force.

Buchanan also justifies this procedure by arguing for the superiority of democratic judgment. At this point in the dialogue, Maitland protests in classical anti-democratic terms that the people is a “many-headed monster” whose judgment is too “rash and fickle” to be trusted with any share of decision-making.\(^{18}\) If the reason of kings cannot be trusted to overcome passions without the curb of the laws, Maitland asks, why should the judgment of the people be any different? To Maitland’s protests, Buchanan poses an Aristotelean account of democratic judgment: “summoning a large number of people together, among whom perhaps no one will

\(^{16}\) \textit{ex omnibus ordinibus selecti ad regem in consilium coirent, deinde, ubi apud eos \text{προβούλευμα} factum esset, id ad populi iudicium deferretur. Ibid., pp. 54-5.}

\(^{17}\) \textit{Neque has leges per vim, ut tu interpretaris, imponi volo, sed communicato cum rege consilio communiter statuendum arbitror quod ad omnium salutem communiter faciat. Ibid., pp. 54-5.}

\(^{18}\) \textit{Nosti illud \text{‘belua multorum capitum’}. Scis, opinor, quanta sit populi temeritas, quanta inconstantia. Ibid., pp. 54-5.}
possess outstanding wisdom” produces a body that is wiser than the sum of its parts.\textsuperscript{19} Further, “not only do the many see and understand more than any one of them on his own,” Buchanan asserts that “they see more even than a single individual who surpasses each of them in intelligence and good sense. As a general rule, a multitude of people is a better judge of all affairs than an individual.”\textsuperscript{20} The judgment of the multitude is generally superior to the judgment of individuals, Buchanan argues, because the multitude brings the greatest number of possible perspectives to bear on questions, balancing extremes in order to produce moderation. In this way also, then, Buchanan suggests that popular participation produces political stability.

While Buchanan’s ideal monarchy would enjoy the practical benefits of popular participation in law-making, Buchanan himself is careful to draw a clear line between political philosophy and political action. As he says late in the dialogue, in response to Maitland’s concerns about his justification of tyrannicide, “I am explaining what legitimately may or should be done; I am not issuing a call to action.”\textsuperscript{21} The arguments he makes, Buchanan suggests, are factual but philosophical; they do not take account of “considerations of time, person, place and everything else involved in carrying out the action.”\textsuperscript{22} While Buchanan may concede that circumstances allowing for direct popular participation are unlikely under monarchical constitutions, no matter how useful this participation might be, I argue that Buchanan nevertheless finds a place for popular judgment even in the imperfect monarchies of his own moment. By employing the literary form of the Platonic dialogue, Buchanan turns to education in

\textsuperscript{19} Primum non omnino verum est quod tu putas, nihil ad rem facere multitudinis advocationem, quorum e numero nemo fortassis erit excellenti sapientia praeditus. Ibid., pp. 54-7. Buchanan’s source for this argument is Aristotle, Politics III.1.
\textsuperscript{20} Non enim solum plus vident ac sapienti multi quam unus qui quorundam eorum ingenio et prudentia praecedat. Nam multitudo fere melius quam singuli de rebus omnibus iudicat. Ibid., pp. 56-7.
\textsuperscript{21} quid fieri iure possit aut debeat explico, non ad rem suscipiendum exhortor. Ibid., pp. 156-7.
\textsuperscript{22} temporibus personis locis ceterisque rei gerendae instrumentis. Ibid., pp. 158-9.
order to constitute active citizens of monarchy, even when the rights of monarchical subjects are significantly curtailed.

From the beginning, Buchanan frames his dialogue as an attempt to educate the common people [vulgus] in the distinction between kings and tyrants: or, more precisely, to teach men like Maitland how to make this distinction effectively in public argument. Buchanan’s dialogue opens with a preface in which he recounts the circumstances of his conversation with Maitland: his student has just returned from a trip to France, where he had grown increasingly concerned by the rumors and criticism circulating about the forced abdication of Mary, Queen of Scots: “I am unsure how all the nations of Europe, especially those living under royal authority, will react to their deposition of the supreme magistrate and their contempt for the name of king.” In response to Maitland’s fears, Buchanan argues that there are “three main types” in Scotland and elsewhere who condemn Mary’s removal from the throne. The first two types are essentially self-interested: those who “minister to tyrannical lusts” [tyrannicarum libidinum administrī] are personally implicated in Mary’s reign and can never be convinced to change their ways, while those who “are not troubled by public injustice (as they wish to appear) but by personal injury” [non publica (quod videri volunt) iniuria sed damnis anguntur domesticis] need to learn to subordinate their private interests to the public good.

The third type, however, is the “inexperienced multitude” [imperita multitudō], which finds fault with “anything new” but can be persuaded otherwise: “Not being influenced by malice, envy or any self-interest, they generally submit to instruction and allow themselves to be weaned away from error, and in most cases they yield to the force of rational argument.”

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23 Quod autem summum magistratum in ordinem redegerint, nomen regium […] contempserint, nescio quomodo acceptūrae sint omnes Europae nationes, illaeque in primis quae sub imperio regio vivunt. Ibid., pp. 8-9.

24 Reliqua est imperita multitudō, quae omnia nova miratur, plurima reprehendit, neque quicquam rectum putat nisi quod ipsa aut facit aut fieri videt […] Hi, quia non malitia et invidia neque respectuullo rerum suarum ducuntur, fere doceri et de errore se deduci patiuntur ac plerumque vi rationum convicti sese dedunt. Ibid., pp. 8-11.

“inexperienced multitude” is my translation of imperita multitudō. Mason’s “ignorant mob” seems to me both to
Because their views are shaped by custom rather than private interest, the common people, Buchanan suggests, are reasonable and open to change, if properly instructed. And, because the common people’s instinctive sense of justice leads them to “approve of the murder of tyrants,” they might readily change their minds about Mary “if they clearly understood the difference between a tyrant and a king.”

The proper definition of kings and tyrants thus becomes the central question of Buchanan’s Socratic conversation with Maitland, as Buchanan sets out to “establish a picture” of both the good king and the tyrant so that the common people [vulgus] can “understand their own duty towards each of them.”

Due to his reticence to accept his teacher’s arguments, Maitland serves as a useful interlocutor in the dialogue, allowing Buchanan the author to demonstrate how to make persuasive and readily comprehensible distinctions between kings and tyrants in a number of different discourses. Buchanan himself seems to prefer to address this question philosophically: he comes to his monarchical republican definition of kingship, outlined above, by following a complex natural law argument derived from Cicero. Maitland, however, demands historical and theological accounts of kingship and tyranny as well, drawing on commonplace evidence from Scottish history and the Bible that seems to support absolute monarchy and protesting that, in spite of Buchanan’s convincing philosophical arguments that kingship should be limited, “so great is the strength of age-old custom that for me it has the force of law.”

Buchanan is happy to oblige his student, offering an account of the history of the Scottish monarchy that demonstrates the customary limits of monarchical power, as well as a reading of the Old and

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imply a derogatory sense not necessary in the Latin and to miss the potential for education and improvement present in imperita. Still, the derogatory sense is possible.


26 Et, imagine utriusque proposita, nonne vulgus etiam intellecturum putas quodnam sit suum erga utrumque officium? Ibid., pp. 14-5.

27 diutumae consuetudinis tanta vis est ut apud me legis vigorem obtineat. Ibid., pp. 108-9.
New Testaments that refutes common scriptural arguments for the unqualified obedience of subjects to kings. While he makes these arguments for the benefit of Maitland and his own readers, Buchanan decries the “tyranny of custom” that necessitates historical argument and advises Maitland “to leave Scripture aside for the present and return to the teaching of the philosophers.”

Buchanan’s resistance to historical and Scriptural arguments for the definitions of kingship, tyranny, and the duties of subjects seems to stem from the ways in which historical and Scriptural evidence is highly susceptible to competing interpretations, including those that would sanction unlimited monarchy and condemn all resistance to tyranny. Indeed, Buchanan refuses to take this evidence at face value, insisting that Maitland apply his own reason to historical stories and Scriptural passages in order to properly understand them. While Buchanan humors Maitland’s desire for a historical inquiry into the rights of kings, for instance, he asks his student to recreate the sorts of questions that must have been on the minds of those Scottish citizens who first granted kings the right of hereditary succession: “So imagine [finge] someone from the ranks of an assembly of a free people freely asking the king: ‘What if some king has a stupid son? What if he is mad? Will you establish as our rulers those who cannot rule themselves?’” If the people granted kings the right to grant the throne to their heirs, Buchanan insists, they can’t reasonably have done so without extracting concessions in return; those who claim absolute power for kings therefore misinterpret the historical record.

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29 Finge ergo aliquem e media contione liberi populi libere regem interrogare: ‘Quid si cui regum filius sit stolidus? Quid si insanus? Eosne nobis constitues rectores qui se ipsos regere non possunt?’ Ibid., pp. 100-1.
Buchanan uses the same interpretive strategy when he explains the apostle Paul’s instructions that Christians should “be subject to principalities and powers.” Buchanan insists that his instruction, seemingly unambiguous in its demand that Christians obey kings without question, must nevertheless be understood contextually: as a letter written to a religious minority under a hostile pagan government, for whom disobedience could mean death and the destruction of the entire Christian faith. Buchanan offers a contemporary thought experiment as a point of comparison:

Imagine [Finge] that one of our teachers was writing to Christians living under the Turks, to men, I say, poor in material resources, downcast in spirit, unarmed and few in number, and exposed to every kind of injustice at the hands of all: what other advice would he give, I ask you, than that which Paul gave to the church which then existed at Rome?

Taking Paul’s letters as historical documents, as Buchanan does, requires imagining his intentions and the people to whom they were addressed, facts which inevitably transform our understanding of his instructions: commandments that should have been obeyed by Christian subjects of the Roman Empire might no longer hold for the subjects of Christian monarchies. Historical—and even scriptural—evidence becomes tyrannical, Buchanan suggests, when it is applied unthinkingly, taking rightful authority away from rational thought.

In both of these examples, furthermore, it is poetic fiction that enables rational judgment by providing the supplement necessary for understanding the historical and Scriptural evidence regarding kingship correctly. In both cases, Buchanan employs the Latin imperative *finge*—the

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30 The three key passages that Buchanan and Maitland discuss are Titus 3:1: “Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work;” 1 Timothy 2:1-2: “I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty;” and Romans 13:1-5, where Paul asserts that “whosoever […] resisteth the power [of kings], resisteth the ordinance of God.” Translations are from the King James Version. *De iure*, pp. 110-11.

31 *Finge ad Christianos qui sub Turcis vivunt aliquem e nostris doctoribus scribere, ad homines, inquam, re tenues, animo demissos, et inermes et paucos et ad omnem omnium iniuriam expositos: quid, rogo, aliud consuleret quam quod Paulus ecclesiae quae tum Romae erat?* Ibid., pp. 122-3
etymological root of the English “fiction”—to instruct Maitland to “imagine” a plausible scenario, the kind of thing that \textit{might} have happened or \textit{might} be happening but cannot be empirically demonstrated. As these examples indicate, the method of teaching that Buchanan performs in his dialogue with Maitland—and implicitly models for his readers—employs fictional examples to encourage philosophical reflection on the customary interpretations of Scottish history and Scriptural commandments. Maitland, like the common people whom Buchanan believes can be persuaded to support limited monarchy and condemn tyranny, must learn to overcome the “tyranny of custom” in his own interpretive habits in order to recognize tyranny properly in reality. Fiction is useful for this purpose not just because it is widely accessible—humanists like Buchanan often valorized fiction’s instructional potential because it makes complex ideas tangible and delightful—but also because it can be used to give voice to the perspective of the common people that is not often preserved in the historical record. In framing both of his examples, Buchanan asks Maitland to imagine the perspective of the subjects of monarchy—“someone from the ranks of an assembly of free people” and “men [...] poor in material resources, downcast in spirit, unarmed and few in number, and exposed to every kind of injustice at the hands of all”—in order to better understand monarchy itself.

Only a small part of Buchanan’s \textit{De iure}, then, is devoted to the exposition of an ideal theory of monarchy in philosophical terms. While Buchanan argues that institutions limiting monarchical prerogative and increasing popular participation in government would provide much-needed stability to the Scottish monarchy, his primary goal in the dialogue is to expand the sphere of political learning and discussion rather than to advocate an expansion of political rights. By disseminating arguments and modes of teaching that could enable the subjects of monarchy to discern whether they are ruled by a king or a tyrant and to assess their duty to obey or to resist accordingly, Buchanan, I suggest, hoped to constitute an active, “republican” sort of
monarchical citizen. Further, in order to train subjects capable of observing, analyzing, and evaluating their own kings, Buchanan turns to poetic fiction in order to make philosophical insights widely accessible; in so doing, he not only demonstrates the effectiveness of fiction for teaching but also the impossibility of evaluating monarchy without imagining the perspective of these onlooking subjects. It is this educational and hermeneutic function of fiction, I argue, that likewise animates Buchanan’s own poetic endeavors, most notably, his tragedy *Baptistes*.

**The educational method of *Baptistes***

Buchanan’s *De iure* makes clear that the imaginative reconstruction of the perspective of monarchical subjects is not just a means of counteracting the “tyranny of custom” and sharpening subjects’ understanding of their rulers, but also a means of aiding and improving these rulers, at least if political stability is their aim. Buchanan’s most concise image of the good king in the *De iure* is the *rex Stoicus*, an image he borrows from the Roman tragedian and philosopher Seneca. In Seneca’s tragedy *Thyestes*, the “Stoic king” is “one who has laid aside fear and the torments of an evil conscience,” remaining constant and unmoved by ambition, favor, wealth, or harm. Such a king, Buchanan admits, “can be more readily imagined in the mind [*magis animo informari*] than hoped for some day,” but, as compensation, lawmakers, like artists, crafted laws for the political community by imitating this fictional image of the perfect king that they had in their minds. As a living figuration of the poetic *rex Stoicus*, Buchanan’s king must be aware that he always “stands on the world’s stage [*in orbis theatro*], set there for all to look upon,” and that, like the tyrant of tragedy, not even his most private vices can remain hidden. If kings are virtuous, however, they can hope not only “for a single day’s fame, as with

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actors when a play has been well acted,” but to enjoy “the prospect of the good will and admiration of their own age, the everlasting esteem of posterity, and honours which are all but divine.”

Again, Buchanan’s use of Seneca’s image emphasizes the utility of fiction to provide images against which reality can be compared and judged. In this instance, however, the education of subjects who can discern good from bad rulers complements the education of rulers who know that they are always being watched by discerning eyes.

It is this complementary education of subjects and rulers that, I argue, defines the aim of Buchanan’s own political tragedy, Baptistes. While Buchanan’s De iure attempts to distinguish the king from the tyrant philosophically, historically, theologically, and poetically, his tragedy goes one step further, presenting an image of tyranny itself as a constitution in which different characters surrounding the person of the tyrant play different roles in sustaining a governmental configuration. At the same time as it offers a rich image useful for learning to recognize tyranny and its operations, though, the play also presents a powerful image of the watchful people through the tragic chorus, who constantly observe the action of the play, intervene in it at times, and offer insight into its action. Even as it teaches subjects what tyranny looks like from the inside, then, Buchanan’s tragedy also encourages rulers to accommodate themselves to this discerning scrutiny, constituting subjects and ruler in a more transparent and efficient configuration to one another.

Buchanan captures the double-sided aim of his tragedy in his dedicatory epistle to the young King James, prefaced to the print edition of the play. There, Buchanan writes that his tragedy has particular relevance for a prince because it “clearly sets forth the torments of tyrants and their miseries when most they seem to flourish.”

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35 *illud autem peculiarius ad te videri potest spectare, quod tyrannorum cruciatust et, cum florere maxime videntur, miserias dilucide exponat*. The text and translation are from Steven Berkowitz, ed., *A Critical Edition of*
should learn by observing the interior life of a tyrant, however, Buchanan also calls attention to
the wider public audience who will read his tragedy and compare its depiction of tyranny to
James’ own government. James’ subjects, Buchanan suggests, will find in the tragedy
a witness to posterity, that if ever [si aliquando] impelled by wicked counsellors,
or with the license of royal power overcoming right education, you should do
something wrong [secus committas], it must be imputed [vertendum esse] as a
failing not to your teachers, but to you who did not obey their virtuous warnings.36

In this vaguely threatening admonition, Buchanan urges James to assume the perspective of his
own subjects and to imagine how they will read his teacher’s tragedy—personified as a
witness—if, in the future, James should seem not to have taken its lessons to heart. As in the De
iure, Buchanan’s educational method in Baptistes employs fiction to provide insight into
historical contingency (“if ever […] you should […] it must be”), but also makes clear that this
method itself places new expectations on the king: his subjects know what he knows and expect
him to live up to it.

What both kings and subjects find in Baptistes is an anatomy of tyranny as a
constitution—an image of how a particular arrangement of parts produces a whole. Baptistes is a
Biblical tragedy adapted primarily from the New Testament book of Mark that treats the process
by which the prophet John the Baptist, the immediate forerunner of Christ, comes to be accused
of treason, imprisoned, and executed by the tyrant King Herod.37 The tragedy depicts tyranny by
breaking it down into parts: the same parts, I argue, that Buchanan himself describes in the De
iure when he specifies the educational purpose of his dialogue. While the De iure does not aim to
persuade those who “minister to tyrannical lusts” or those who feign concern with public

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36 volo etiam hunc libellum apud posteros testem fore, si quid aliquando pravis consultoribus impulsus vel
regni licentia rectam educationem superante secus committas, non praeceptoribus sed tibi, qui eis recte monentibus
non sis obsecutus, id vitio vertendum esse. Ibid., pp. 350-1. I have modified the English translation slightly.
37 Buchanan also draws on the account of this story in the other gospels as well as in the historian Josephus’
Antiquities of the Jews.
injustice to conceal private interests, *Baptistes* shows how both of these groups—the ideological supporters of tyranny and its tacit enablers—play central roles in producing, sustaining, and concealing tyranny. Likewise, while the *De iure* aims to educate the “inexperienced multitude” in discerning when the customary institution of monarchy has deteriorated into tyranny, *Baptistes* dramatizes this insight through the perspective of the chorus on the tragic action, which, in Buchanan’s play, consists of a group of ordinary Jewish citizens. The chorus of Buchanan’s tragedy not only fulfills Buchanan’s educational aim in the *De iure*, then, but also parallels the configuration his dedication imagines between the king and a public audience of readers who watch him.

Buchanan’s play opens on a dispute between two Jewish magistrates, the conservative Malchus and the moderate Gamaliel, which illustrates the role that private interest, custom, and secret action play in enabling tyranny. The two magistrates debate the proper way to handle the popularity of John the Baptist among the common people and the nature of his teachings about the corruption of the priesthood and the monarchy. Malchus despises both John and the common people, asserting that the prophet has “drawn to himself an army of an attendant mob” and “beguiled the simple folk [*vulgus fefellit imperitum*] with the appearance of stern sanctity,” posing a potent threat to customary authority because the people “look up to him alone.”

John is also dangerous as a commoner himself, in whose nature it is to be “ignorant, wrong, rash, inexperienced, blind” and in need of the “curbs” of his superiors. While he justifies his hatred of John in terms of the people’s poor judgment, it is clear that Malchus fears that his own authority over the people is threatened: he insists that it is the job of a prelate like himself “to

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lead the commoners, if they stray, back to the path. He must be his own law.”

Malchus claims that his duty is to defend the customs of the Jewish monarchy against John’s criticism, but he confuses his own private injury with his public office: it is fear of losing his position over the people that leads him to justify the use of force to “lead” the people.

While Malchus and Gamaliel’s debate has religious overtones, suggestive of sixteenth century Protestants’ belief in the supersession of Judaism by Christianity (and, by analogy, of Catholicism by the Reformation), it is crucial to observe that the substance their disagreement centers not on whether John’s teaching is right or wrong but on how his public criticism of political institutions should be handled. In contrast to his colleague, Gamaliel points out Malchus’ error to him, arguing that Malchus accords too much weight to customary signs of wisdom—“sceptres, ancestral genealogies, beauty of appearance or royal wealth”—and judges John too rashly for this reason. More importantly, Gamaliel insists that Malchus’ public office requires him to confront John publicly, if he truly believes his accusations are false: “If he sins, why not refute [redarguis] him openly, why not reveal the light of your talent in that task?” Malchus and John must debate in public, Gamaliel argues, so that “each man can draw his conclusion as his mind dictates.”

Rather than condemning the judgment of the common people, as Malchus does, Gamaliel suggests that it is precisely the duty of public men to attempt to enable public judgment by treating the views of the common people as worthy of argument. By contrast, Gamaliel argues, if Malchus attempts to silence John through secret violence rather than open debate, it is Malchus who will damage customary authority and “be thought an aggressor, using all the violence of tyranny until you could bring down the holy man whom you could not

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41 The Baptist, pp. 136-7. non sceptra spectat, non parentum stemmata,/decusve formae, aut regias opes Deus. Baptistes, 154-5.
42 The Baptist, p. 138. si peccat ille, quin palam redarguis?/quin lumen ingenii exeris illic tui?/rudem peritus, doctus indoctum, senex/aggrede iuvenem. fors reduces in viam. Baptistes, 185-8.
refute by reason.”

Unfortunately, this is precisely what Malchus decides to do, as he makes false claims about John to the tyrant King Herod, inventing fictions about “secret consultations” [secreta colloquia] and “wicked factions” [factiones impias] to fill the king with empty fears and inflame his anger. As a tragic character “type,” Malchus illustrates how easily public office becomes a tool of tyranny when its holders are themselves governed by the tyranny of custom rather than a commitment to the public good and driven by private passions to condemn and avoid public judgment.

While Malchus both disdains and fears the opinion of the Jewish people, he ignores their representatives—the Chorus—who observe the debate between the two magistrates and offer their own advice to Malchus as he departs to seek Herod: “In my judgment, Gamaliel’s advice is right; obey his warning.” While the judgment of the Chorus supports Gamaliel’s argument that sustaining public office through the private promises of tyrants is deeply foolish, their subsequent speech also underscores how little Malchus’ show of public concern has fooled them. Indeed, the Chorus condemns the magistrate’s hypocrisy—“an assumed modesty cloaks the shameless; the cover of piety conceals the impious”—and attributes it to “desire for glory swollen with empty pride,” precisely the motives Malchus hopes to disavow.

The Chorus also connects this dissimulation specifically to tyranny: “feigned devotion cloaks the cruelty of tyrants, the fringed robe wicked manners.” In spite of his fearful desire for secrecy, the Chorus recognizes the private interest behind Malchus’ actions and makes this interest clear to Buchanan’s readers.

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44 The Baptist, p. 138. quin potius illud assequere, ut omnibus/grassatus esse viribus tyrannidis/credare, sanctum donec opprimeres virum,/ratione quem non potueris convincere. Baptistes, 208-11.


While Malchus attempts to maintain a façade of public service while serving his private interests, it is Herod’s queen who acts as the tragedy’s “minister to tyrannical lusts.” Like Malchus, the Queen attempts to persuade Herod that John is a dangerous threat who has roused “the madness of the fickle crowd” \( \textit{mobilis vulgi furor} \), but, unlike Malchus, she is driven by the desire that a subject like John not be allowed to “impose limits on the royal sceptre.”\footnote{The Baptist, p. 142 377. \textit{iam sceptris modum/ hic faciet?} Baptistes, 399-400.} Moved by a belief that kings should hold absolute power personally, the Queen attempts both to persuade her husband to imprison and kill John and to enlist Malchus’ help in persuading the king. When it becomes clear that Malchus has grown too frightened of the people to conspire further against John, however, the Queen sacrifices her personal interest to enable John’s execution: “[Herod] will be freed of the odium of the murder, and will gladly, I think, divert the hatred of the people on me.”\footnote{The Baptist, p. 160. \textit{liber invidia necis/in me odia populi vertet, ut reor, libens/et eho peracta re libenter id feram.} Baptistes, 1175-7.} While it is his own false fears and inflamed passions that turn Herod against John, it is the Queen’s willingness to take the blame that enables the tyrant to execute the prophet, a sacrifice that the Queen embraces: “It is base to be accounted a harsh woman, base if it were not baser for princes to go unavenged.”\footnote{The Baptist, p. 160. \textit{turpe est esse atrocem feminam,/turpe, nisi reges esse inultos turpius/foret.} Baptistes, 1179-81.} As dangerous as self-interested magistrates like Malchus are under tyranny, Buchanan’s tragedy demonstrates that ideologues willing to sacrifice their personal interests to serve a tyrant are still more dangerous.

Buchanan’s tyrant, Herod, is highly susceptible to the fears that Malchus and the Queen provoke in him, although he is also skilled at concealing them. The second act of Buchanan’s play juxtaposes Herod in conversation with the Queen and John with a monologue in which the tyrant reveals his private fears. Herod is dismissive of the worries that the Queen attempts to stoke in him, asserting that there is nothing to fear from the “unarmed crowd” \( \textit{turba inermi} \) that

\[49\] The Baptist, p. 142 377. \textit{iam sceptris modum/ hic faciet?} Baptistes, 399-400.
\[50\] The Baptist, p. 160. \textit{liber invidia necis/in me odia populi vertet, ut reor, libens/et eho peracta re libenter id feram.} Baptistes, 1175-7.
\[51\] The Baptist, p. 160. \textit{turpe est esse atrocem feminam,/turpe, nisi reges esse inultos turpius/foret.} Baptistes, 1179-81.
flocks to John. Likewise, Herod attempts to frighten John to his face by claiming that the “hatred of all the common folk seeks you out,” while trying, like Malchus, to maintain a façade of public service by swearing that he is only interested in punishing “injury to the state” [inuriam publicam], not personal injury. Herod invokes the presence of the onlooking Chorus as he speaks, offering his oath to John “with the people as witness” [teste populo]. As they watch Herod lie to John, however, the Chorus pierces the tyrant’s rhetorical smoothness for readers, interrupting to observe that “he who thinks that he can penetrate the secret thoughts of a king’s mind from his words should surely know that he is trusting in a distorting mirror.” Herod’s private speech, which only the Chorus observes, reveals his fears: in spite of his claims about the “unarmed crowd,” Herod argues to himself that he is constantly in danger from the people: “the common folk despises a moderate prince, and hates a harsh one.” Likewise, while Herod claims in public to confront John over an inuriam publicam, he privately fumes at John’s impunity in daring “to censure me for an unchaste marriage before my face.” Like Malchus, Herod fears the people and balks at public criticism; like the Queen, he scoffs at Malchus’ concern for custom, asserting that the only thing the people need to “know” is that “this one law is to be observed: to believe that for me anything contrary to the laws can be lawful.” As the Choral speech that follows (a prayer to God for liberation from tyrants) implies, however, the Jewish people will not be so willing to obey the tyrant as he believes.

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52 The Baptist, p. 141. Baptistes, 353.
54 Baptistes, 453.
55 The Baptist, p. 145. qui de tyranni oratione se autumat/perspicere mentis posse sensus abditos,/nae, turbido se credere speculo sciat. Baptistes, 519-21.
57 The Baptist, p. 146. ausus est videlicet/mihi impudicas exprobrare nuptias,/in os. Baptistes, 553-5.
58 The Baptist, p. 146. modo populus unam hanc sciat/legem tenendum, praeter ut leges mihi/licere quidvis esse legitimum putet. Baptistes, 570-2. I have modified the English translation slightly.
By presenting the characters of the tyrant, the minister to tyranny, and the self-interested magistrate as a mutually-reinforcing triad, Buchanan’s _Baptistes_ provides readers not just with a glimpse into the inner passions of the tyrant, but with insight into how tyranny as a system of government maintains and conceals itself as well. By confusing matters of public concern and private injuries, or actively conflating the two, tyranny permits secret fictions and fear of the people to replace public judgment as the grounds of royal decision-making. If this anatomy was not already clear, the Chorus makes it so, as they astutely summarize the political situation for John in an attempt to warn him of the danger he is in: “the rabbi Malchus secretly directs his wiles, and the queen bereft of any plan rages. The court fawns on the king, the king conceals his opinion; the rest fear to speak the truth. The time of the final danger is now at hand.”  

John, however, responds to the Chorus’ warning with a long Stoic speech praising the freedom from tyranny offered by death, and the Chorus, unlike Malchus, the Queen, or Herod, responds to John’s teaching with appropriate self-reflection: “How blessed are you by reason of this stability of heart! How wretched are we, for sluggish fear of mind deprives us of this partnership in happiness!”  

By their final speech, the Chorus has taken up John’s prophetic message after his death, in both its religious and its political implications: railing against the injustices of the “Kingdom of David, towers of Jerusalem, citadels of wealthy Solomon,” they foresee that “the judge of heaven, sea and land, who restrains arrogant pride, gazes from on high and remembers both the tears of the folk [plebis] and their sad prayers; and with avenging hand he will demand imminent punishment for this atrocious crime.”  

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60 _The Baptist_, p. 158. o te beatum hac pectoris constantia!/o nos misellos, quos iners animi metus,.felicitatis privat hoc consortio! _Baptistes_, 1105-7.  
Chorus has not only revealed to readers the concealed operations of tyranny behind the play’s tragic action, but has also offered a potent warning for kings about the ultimate futility of power that attempts to hide itself from public judgment.

**Conclusion**

George Buchanan’s *De iure regni* and *Baptistes* are remarkable documents, not least because of their application of ideas derived from classical democratic thought to the wildly different context of early modern monarchy. In such a context, the power of public judgment to temper monarchical excess and discern the common good was not clearly instantiated in any governmental institution; poets like Buchanan, however, aimed to remedy this instability by sharpening public judgment themselves, and by making appeals—at times pragmatic, at times coercive—to monarchs to recognize and respect this judgment. What Buchanan’s dialogue and tragedy offered to the subjects of monarchy was a poetic education in how to recognize when conventional constitutional forms have soured and must be replaced, when kings have become tyrants and must no longer be obeyed, and when configurations of king, queen, counsellors, and magistrates have ceased to prevent abuses of power and have begun to produce them. In turn, by triangulating the positions of its two audiences, rulers and subjects, Buchanan’s political writings also made clear to kings the capacity of the people to recognize and condemn tyranny, no matter how secret. Public reasoning about matters of public concern is an inescapable fact of political life, Buchanan suggests: rulers who are unable to draw on the judgment of a wider public in order to make and justify their decisions will find their government weakened as a result. Fiction, like Buchanan’s tragedy, offers both rulers and subjects training in extending their political imaginations beyond customary forms of authority, while also constituting an arena of public judgment itself, in which subjects judge rulers and rulers learn to respond prudently to judgment.
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