With characteristic art and adventure, Gordon Teskey reads "The Garden" as an "adventure" that offers an "encounter with the aesthetic experience.... It is the adventure of art as pure speculative thinking, and as metaphysical event" (370). Victoria Silver's elliptical chapter, "Mr. Bayes in Mr. Bayes," suggests that Marvell's facility with rhetorical personation associates him with Hobbes, whose theory of the state requires a sovereign who wields absolute power while personating the state. Indeed, Silver illustrates the intertwining of these forms of personation in Marvell's representation of Samuel Parker as Mr. Bayes from Buckingham's *The Rehearsall*: Parker is personated by Marvell as indecorously personating the sovereign who personates the state, hence "Mr. Bayes in Mr. Bayes."

Readers will also learn much from the twenty-seven chapters that I did not mention in this review. For Oxford University Press, a "handbook" is an imposing tome that rests by the right hand of scholars hoping to contribute meaningfully to a growing field and of students laboring to arrive at scholarly readiness. As we mark the four-hundredth birthday of our author on March 31, 2021, *The Oxford Handbook of Andrew Marvell* comes at a perfect time to celebrate the authors and networks who have in recent decades brought Marvell to the forefront of early modern studies.

Alison A. Chapman. *Courts, Jurisdictions, and Law in John Milton and His Contemporaries*. Chicago: University of Chicago Press, 2020. xvi + 214 pp. $27.50 (paper) $95.00 (Cloth). Review by Lara Dodds, Mississippi State University.

Milton famously wrote *Paradise Lost* in order to "justify the ways of God to men," placing questions of justice at the center of his great epic. Alison Chapman's new book, *Courts, Jurisdictions, and Law in John Milton and His Contemporaries* explores how Milton's thinking about justice developed over a long career in which he was preoccupied by the consideration of courts and their jurisdictions. *Courts, Jurisdictions and the Law* demonstrates that one of the defining features of Milton's legal thinking is his attention to the varying norms and practices of different courts. The system of law in early modern Europe was actually

multiple systems of law—including common law, Civil law, canon law, equity, and others—with distinct but overlapping jurisdictions. Chapman argues that Milton strategically drew upon the differences between these systems—such as the difference between seditious libel and defamation or the external equity of canon law and the internal equity of Roman law—in service of his arguments for free speech, divorce, and other topics. For Milton, questions of jurisdiction were compelling because they opened up different approaches to the question of justice. Chapman's book effectively makes the case that scholars of Milton, and of law and literature more broadly, should pay more attention to jurisdiction as an element of legal thinking.

Courts, Jurisdictions, and Law in John Milton and his Contemporaries is primarily a book on Milton's prose, though it does include one chapter on *Paradise Lost*. Following the introduction, its six chapters examine Milton's awareness and use of jurisdictional differences throughout his career, beginning with the anti-prelatical tracts and continuing through his late proposals for legal reform. The subject matter of the book is quite technical, so Chapman begins with a substantial and useful preface that defines the key terms for understanding the multiple legal jurisdictions of Milton's age. In the Introduction and throughout the book, Chapman is careful to clarify ambiguous terminology and to highlight the disparities between seventeenth- and twenty-first century legal terms and concepts. This clarity makes the book a useful primer on early modern legal systems in addition to its contributions to scholarship on Milton and the law.

In Chapter 2, "Defending One's Good Name: Free Speech in the Early Prose," Chapman shows how the legal and jurisdictional differences between seditious libel and defamation shape Milton's exploration of the limits of free speech. Milton rejects the jurisprudence of seditious libel as defined by Star Chamber and instead focuses on the jurisprudence of defamation as applied by the common law courts because he sees "free speech primarily as a question of civility and Christian charity and only secondarily as a political right" (25). In this emphasis on the common law, Milton favors a legal rather than a political framework for free speech, which allows him to use truth as a defense. In the case of seditious libel, the truth of politically transgressive speech is not exculpatory, because true words can disrupt the

peace just as false ones can. In common law defamation, however, if a defendant can prove that allegations are true, the plaintiff will often lose the case. In *Animadversions* "Milton works his way toward an idea that repressing free speech hampers society as a whole and deters the spread of religious and political enfranchisement" (33). The common law construction of defamation allows for greater "liberty of speaking" while maintaining order and civility (37). In this way, Milton strives to establish truth-telling, when pursued in service of the commonwealth, as a defense against libel. Chapter 2 begins by quoting Sir Edward Dering's observation that "this hath been a very accusative age" (23), which, though spoken before the House of Commons in 1641, could easily be describing the media environment of 2021. Even readers who are not scholars of Milton will be interested in this chapter and the next for their exploration of the challenges of truth, falsehood, free speech, and censorship in a media landscape that is all too familiar.

The thinking about libel and defamation developed in these early prose works provided the foundation for Milton's treatment of free speech and the censorship of books in *Areopagitica*. In Chapter 3, "Monstrous Books: *Areopagitica* and the Problem of Libel," Chapman addresses the apparent contradiction between *Areopagitica*'s advocacy of free speech and Milton's allowance of the punishment of bad books. Chapman argues that this tension can be resolved by attending to Milton's strategic use of the distinction between libel and defamation, or injurious words, as well as that between state and civil matters. Again activating truth as a defense, *Areopagitica* argues for "a broad toleration of books up to the point where they begin saying viciously untrue things about other people" (51). Milton advocates for this position through the analogy of readers as a jury of peers, which suggests that books are judged and if necessary censured, through the "due process of law and not by censorship" (62).

In Chapter 4, "Civil Law and Equity in the Divorce Tracts," Chapman turns to the different definitions of equity under Roman and canon law as a jurisdictional context for Milton's writing on divorce. This important chapter presents a reading of *The Doctrine and Discipline and Divorce* and *Tetrachordon* as instances of legal reasoning, or "comparative jurisprudence" (79), which is a useful approach because Milton indeed hopes to change the law of divorce for his

community. Chapman shows that Milton's analysis is unique in its separation of Roman and canon law on the basis of their approaches to equity. Internal equity is the idea that fairness is "implicit in the law"; if strict application of the law creates injustice, then its application should be softened or modified. By contrast, external equity suggests that equity exists outside the law and is expressed through "extralegal principles such as mercy, humanity, [and] commiseration" (88). Milton favors Roman law because it features a stance of internal equity that supports his argument for divorce, while the external equity of canon law threatens it. In one of the most delightful moments in the book, Chapman shows how Milton, like his Adam in Book 8 of *Paradise Lost*, uses equity to determine the intention of the law-giver concerning marriage. External equity makes "divorce a failing to be excused under particular circumstances" (90), but internal equity makes divorce not the exception to the Edenic law of marriage, but part of its fulfillment (92).

Chapter 5, on Milton's *Pro Se Defensio* returns to the topic of injurious words in order to defend *Pro Se Defensio* as a legal argument. Chapman shows how this work, which has sometimes been criticized by scholars for its display of self-interest, nevertheless can be understood in terms of early modern legal standards. Specifically, "Milton uses the assumptions and procedures of the Civil law to arraign his opponent for libel" (99). By showing More to be guilty of infamy, Milton hoped to contribute to the strength and health of the Protestant Church by excluding an unworthy—or infamous—man from public office.

Milton's rejection of canon law takes on another cast in Chapter 6, "The Tithes of War: Paying God Back in *Paradise Lost,*" the one chapter of the book to engage with Milton's poetry. Here Chapman shows how Milton uses the difference between legal and moral debts to structure Satan's rebellion against God. Satan wants to translate moral into legal debt, which allows for material (rather than spiritual) repayment. Chapman connects the treatment of debt in Book 6 of *Paradise Lost* to mid-seventeenth-century debates about whether tithes are legal or moral debts. For Milton these debts are moral only, while under canon law they are both a legal and a moral obligation. For Milton the canon law of tithes creates "hostility and violence" (133),

the consequences of which he explores in both his 1659 pamphlet *Considerations Touching the Likeliest Means to Remove Hirelings* and in Book 6 of *Paradise Lost*. Satan's rejection of the moral dimension of his debt to God is, Chapman shows, a "poetic enactment" of "the debased logic of forced tithing" (143). Here Chapman comes to one of the broadest and most significant findings of *Courts, Jurisdictions, and the Law:* Milton's absolute rejection of canon law.

In Chapter 7, "Justice in Their Own Hands: Local Courts in the Late Prose," Chapman turns to what Milton's legal ideas might have looked like in the real world. As we know, his ideas about the law of divorce were not taken up by his contemporaries; nevertheless, Milton returned to the practicalities of the legal system in several works written in 1559–60 that included proposals for reforming the law and legal system. In *A Letter to a Friend, Proposalls of Certaine Expedients*, *A Letter to General Monck*, and *A Readie and Easie Way*, Milton synthesized his lifelong thinking about jurisdiction into proposals for a new court system, as a "decentralized model of legal authority, one in which local communities assume more of the work of making and applying laws" (152). In contrast to the metaphorical jury of readers imagined in *Areopagitica*, these proposals invest greater authority in judges. Chapman concludes this chapter with an examination of the trial of the writer and dissenting preacher John Bunyan, whose experience suggests the risks of Milton's theoretical, and anti-democratic, proposals for reform.

Rather than a conclusion, *Courts, Jurisdictions and Law* ends with a brief afterward about justice in the Columbia Manuscript. The Columbia Manuscript has long been important for Milton studies as it includes transcriptions of several of Milton's works and is the unique witness for *Letter to a Friend* and ten of Milton's state letters. The manuscript consists of two distinct sections. The first, written front-to-back, includes transcriptions of treatises on a range of subjects as well as the copies of *Letter to a Friend*, *Proposalls of Certaine Expedients*, and the state letters. The second, written back-to-front, is labeled "Index Legalis" and is a legal commonplace book that follows the practices of Roman or Civil law. Chapman's afterward looks at the Columbia Manuscript in light of the findings about Milton's jurisdictional thinking in the book's six chapters, providing additional

evidence for outstanding questions regarding the manuscript. While the Transcriber of the "Index Legalis" and Milton both show an interest in Roman Law, Chapman finds that the topics taken up are quite different, which provides an independent confirmation that the author of the "Index" is not Milton. In the front-to-back side of the manuscript, however, Chapman discovers a greater alignment of interest between the Transcriber and Milton. The principle underlying this collection of apparently diverse texts is an "interest in jurisdictional diversity" (170) that corresponds to Milton's own interest in "minor jurisprudences," or, the "smaller, independent enclaves of law" (171). Other details of the Columbia Manuscript suggest a disparity between the Transcriber's political views and Milton's even as they share an interest in jurisdictional variety. This observation underlies Chapman's hopeful conclusion regarding the outcome of Milton's jurisdictional thinking: "On subjects ranging from books to England's diversity courts, Milton expresses a consistent fundamental belief: blanket prescriptions flatten out the rich variety of civil and religious life, and people should be left as free as possible to make choices for themselves" (181).

As Chapman acknowledges, her turn to the Columbia Manuscript in the book's conclusion is an "oblique" approach to Milton's works (170). Broader considerations about how the research in this book may open new avenues of research in Milton studies or in the broader field of law and literature are left to readers. There is much that scholars in these fields will be able to draw upon, and I will highlight just one possibility here. The central insight of this book is the recognition that to understand justice, scholars of law and literature must take seriously differences of jurisdiction. Given the focus of this book, Chapman does not consider how these differences intersect with other forms of difference. As she acknowledges in Chapter 3, an awareness of the jurisprudence of injurious words does not address the bigotry against Catholics expressed in *Areopagitica.* For the purposes of her argument, Chapman sets aside questions of religion, and this is understandable. One of the potential outcomes of the research in *Courts, Jurisdictions, and Law*, however, is to provide models that future scholars of law and literature can build upon. The attention to variations in context and application required by the jurisdictional approach modeled in this book seems well suited to an intersectional field of law and literature that places questions of race, gender and religion at its center.