

# *Le Droit du Plus Fort: Law as Metaphor and Morality in Milton's Samson Agonistes*

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This study explores the emergence of legal language as the salient language for social relations in early modernity, through its prominence in the last, most personal and most passionate work of John Milton, the dramatic poem *Samson Agonistes* (1671). In this extraordinary work, law functions as a secularized order of obligations on different levels of metaphor. In each of the poem's major parts some legal construction is introduced metaphorically in such a way as to render coherence, meaning and unity to its central argument. The source of normative obligation is transformed from divine command (or grace) to a secularized paradigm of legality. Through their distinctive and developing voices, the characters reveal their relations as framed by mutual expectations grounded in reciprocal rights and duties, conveniently arranged in the several forms of legal relations. Likewise, claims of transgressions are arranged and presented in recognizable social-normative forms, i.e. along legal lines of English family law, property law, and the law of trusts and bonds.

With Hobbes, political theory became grounded in a normative framework independent of religion, and the legal metaphor of "social contract" became the prevalent metaphor in political theory. This study – dealing not so much in law and literature as in the history of legal language – traces how Milton, the generation's foremost humanist, cast law both as an internal grammar for social relations and as an interpretative principle of action. Albeit a religious author, Milton's last work's extensive use of legal language anticipates one of modernity's most recognizable structures, namely the emergence of law as the salient normative field. *Law, Culture and the Humanities* 2006; 2: 440–469

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*Nondum blanda tuas leges, Amathusia, noram* [Before I knew your laws, enticing Venus . . .]

Milton, *Elegia Septima*<sup>1</sup>

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1. Complete Poetry of Milton 80 (John T. Shawcross, ed., 1963). Translated by author. Venus is indicated by the feminine reference *Amathusia*, to a place (Amathus in Cyprus, home of a temple sacred to her) rather than by a proper name; Shawcross' translation is "Not yet did I know your laws, enticing Amathusia" (*id.*)

## I. Preface: When Law Becomes the Language of Social Relations

This study explores the emergence of legal language as the salient language of social relations in early modernity, through its prominence in the last, most personal and most passionate work of John Milton, *Samson Agonistes* (1671).<sup>2</sup>

*Samson Agonistes*, a 1,800-line poetical drama written mostly in blank verse, recreates in its span the last few hours of a tragic hero molded on the biblical hero's life.<sup>3</sup> It begins with a haunting description of Samson's wretched labors and travails as a blind slave in Gaza, a man defeated in politics and in love, tormented almost to madness by guilt over betraying his prophesized destiny. He grieves not only over his liberally squandered physical prowess, but over its having been unmatched by commensurate intellectual and moral gifts. In this lament we hear echoes of parallel regrets by other mythical heroes such as Hercules, Gilgamesh and even Siegfried, as well as the woes of Milton's own precarious situation after the failure of the Puritan revolution (during which Milton served as "Latin Secretary" to the regicide government), the dissolution of the commonwealth cause so dear to his heart, and the restoration of the despised Stuart monarchy in 1660.<sup>4</sup>

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2. There is significant controversy around the time of composition of *Samson Agonistes*. The centrality of secular legal concepts in Milton can hardly be ascribed to work completed prior to *Paradise Lost*, published in 1667 (in *PL*, too, Milton occasionally uses legal phraseology, clearly subordinate to the fundamental religious tenor). While most authorities consider *Samson Agonistes* to have been written in the few years preceding its 1671 publication, there are also reasonable arguments for an earlier date, perhaps as early as the 1640's. One argument links *Samson's* emotive language – especially Samson's lament for the "betrayal" of Israel that refused his deliverance – with the restoration, as the English rejected the commonwealth and reinstated the monarchy through Charles II, which suggests a composition time circa 1660. Likewise, the poem is affective in its treatment of Samson's grief over the loss of his eyesight, ostensibly corresponding to Milton's losing his, gradually for a while and finally in 1652. While I generally accept the later, pre-1671 "official" date for Samson's composition, the interpretation offered in this study may also provide additional support for it. Jonathan Goldberg, "Dating Milton," in Elizabeth Harvey and Katharine Maus, eds., *Soliciting Interpretation: Literary Theory and Seventeenth-Century English Poetry* (Chicago, University of Chicago Press, 1990) p. 199; John T. Shawcross, *The Uncertain World of Samson Agonistes* (Suffolk, D.S. Brewer, 2001), pp. 22–27; John Spencer Hill, *John Milton: Poet, Priest and Prophet: A Study of Divine Vocation in Milton's Poetry and Prose* (London, Macmillan, 1979). Shawcross shies from determining a date, suggesting that the poem may have been composed gradually over many years, or began, abandoned and later – as political and personal situation called for it – resumed; or that, even if the later date is correct, the poem still reflects some of the optimism and energy of the 1640's revolutionary days.
  3. Like all recreations of the Samson figure and myth, *Samson Agonistes* is based on the relatively brief narrative in Judges 13–16.
  4. Milton used Samson as a metaphor for political power and vigor in the *Areopagitica*, writing of England edging into revolutionary times as "a noble and puissant nation rousing herself like a strong man after sleep and shaking her invincible locks," in Don M. Wolfe, ed., *Complete Prose Works of John Milton* (New Haven: Yale University Press, 1953–82), vol. II, pp. 557–8 at 558. That Milton uses the Samson metaphor in the feminine is ironic given *Samson Agonistes'* protagonist's contempt for "foul effeminacy," *SA* line 410. Such gender reversals are sometimes represented in visual art. Such is in the striking drawing *Samson and Dalila* by Naum

Throughout the poem, Samson is visited by pivotal characters from his turbulent past; his father Manoa, Dalila,<sup>5</sup> the Danite chorus standing for the polity, the menacing Philistine bully Harapha, a precursor and possibly ancestor of Goliath. Each engages him in anguished but, ultimately, liberating *agon*. The protagonist agonizes but, little by little, he rediscovers the ability for moral action. He does not merely quarrel, rely, or cajole his interlocutors but argues with them, many times along legalistic lines. This interpretative study attempts to analyze and understand an underlying linguistic current that traditional criticism by and large overlooked: the poem's intensive usage of legal language, both overt and tacit, structural and thematic. It argues that such usage is significantly performative in view of the general emergence of legal language in early modernity.

Legal conceptions abound in *Samson Agonistes*. They inform Samson's relation to God (the drama's invisible character), to the power that was entrusted to him, to his captors, his people, the women in his life, and to himself as a special form of "other." These are not openly invoked: in each of the poem's major parts some legal construction is introduced metaphorically in such a way as to render coherence, meaning and unity to its central argument. The sense here is of the source of normative obligation being transformed from divine command (or grace) to a secularized paradigm of legality. Through their distinctive and developing voices, the characters reveal their relations as framed by mutual expectations grounded in reciprocal rights and duties conveniently arranged in the several forms of legal relations. Likewise, claims of transgressions – Dalila betraying her "husband" and her "wedlock-bands," Samson violating God's "trust" – are arranged and presented in recognizable social-normative forms, i.e. along legal lines of English family law, property law, and the law of trusts and bonds. Thus Samson regards himself alternately as a person indebted to God who must repay a debt, and as a trustee who has defaulted on his trust and must be subjected not just to a sanction, but rather to a remedy, a more distinctly legal form. As for the conjugal, familial relationship between Samson and Dalila – "wedded love" – that is Milton's contrivance and at that one of focal importance for the interpretation offered here. The biblical story

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Guttman that depicts a powerful, joyful Dalila kneeling over the helpless body of Samson, his mouth ajar in a mute cry, in what almost evokes a rape scene. None of this exists in the renaissance art of Milton's times, which exalted in anatomically detailed portrayals of the muscular specimen. Such are Rubens' *Samson and Dalila* and *The Capturing of Samson*, or the haunting *The Capturing of Samson* by van-Dyke. Rembrandt's *Gouging of Samson's Eyes* is unusual in that it depicts an older, hulking Samson, clearly past his physical prime, reduced to a simple brawl with the efficient Philistine soldiers. Dalila's eyes overlooking the scene – excited, quizzical, provocative – contain the clearest expression of emotions among the brawling men.

5. *Sic*. Milton's spelling is followed throughout this study with the minor adaptations suggested in F.T. Prince, ed., *Samson Agonistes* (Oxford, Oxford University Press, 1957), where some of Milton's orthography is replaced with spellings less awkward in terms of present conventions (such as a "y" instead of "ie" for the concluding open movement in such words as "defy").

never presents Samson and Dalila as married, in contrast to the explicit report concerning Samson's first (and unnamed) wife, to whom he *was* married, and from whom he was legally divorced.<sup>6</sup> In fact, nowhere does the Bible indicate that Dalila was a Philistine, either. Framing Samson and Dalila's relationship in a recognized social-legal institution, namely family, allows Milton to invoke the specific legal duties and obligations that matrimony entails. In the Bible, the story of Samson and Dalila is about passion, love, struggle, power, remorse, treachery, and play. Milton shifts to a normative framework underlined by clear legal foundations.<sup>7</sup> Thus Samson and Dalila share "wedded love" rather than an unqualified version, for all of its normative implications.

Even a person's legal-political affiliation and ensuing obligation to her nation – e.g. Dalila's duties to Philistia – are presented in legalized argument rather than in the simpler form of tribal loyalty. Indeed, so prevalent and basic are these legal notions to the way in which Milton constructs the poem that they are, a) quite essential to any adequate interpretation of the work (and as such their general absence from the critical corpus is reason enough for correction), and b) shed additional light on the centrality of the concepts of law and legal order in Milton's later thought, and in that of English renaissance – that is to say, early modernity – in general. Milton's usage of distinctly secularized legal conceptions reduces, if not its fundamental Puritan religiosity, then a significant measure of its religious fervor. Within a religious framework, it applies law – as opposed to divine "Law" – for most of its central normative claims.<sup>8</sup> Even the drama's structure – a sequence of arguments with very little peripheral action – resembles the argumentative model of common-law advocacy, of exchange of claims and counterclaims, indictment and defense, bringing forth evidence and refuting it in examination and counter-examination. This pattern underlies not just the dialogues but also Samson's tormented soliloquies and bitter, at times indulgent, self-reproaching. That Milton frames the relation between Samson and God along the lines of a trustor and trustee, rather than sovereign and subject or father and child or other available metaphors emphasizes the emergence of the legal form as an internal grammar of obligation, independent of divine authority. In this, the poetics of *Samson Agonistes* express one of the central characteristics of modernity.

Law looms in *Samson Agonistes*, but it is not always apparent. This is not unusual: persons may be generally unaware of the actual prevalence of any

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6. Judges 14:2–4, 15–17.

7. These are not entirely disassociated from his own turbulent marriage to a monarchist "philistine" as it were, from whom he was soon estranged. The story can be found in any hundreds of biographical works about Milton; an insightful source is John T. Shawcross, *John Milton: The Self and the World* (Lexington, Kentucky University Press, 1993). For some hypotheses relating Milton's choices in characterizing Dalila in the context of his Commonwealth politics see Derek N.C. Wood, "*Exiled from Light*": *Divine Law, Morality and Violence in Milton's Samson Agonistes* (Toronto, University of Toronto Press, 2001), pp. 70–71.

8. The distinction between the capitalized and non-capitalized terms is discussed below, text accompanying notes 41–42.

theme or metaphor in how they construct, interpret and narrate their lives.<sup>9</sup> Accordingly, law's forms and concepts inform the ways in which we interpret, shape, and act in non-legal contexts, or at least in such contexts where law is not considered to be the salient framework for meaning, relations, and experience.<sup>10</sup> As WH Auden wrote, law, like love, is elusive, intimate, tricky to locate, and fateful: "Like love we don't know where or why/ Like love we can't compel or fly":<sup>11</sup> clearly not the distinct social institution that positivistic jurisprudence by and large takes law to be. Auden might very well have taken a cue from Milton, who – in *Samson Agonistes* – devoted the central, emotionally loaded dialogue between Samson and Dalila to the relations between love and law. Such is the power of metaphor that in carrying both conceptual and representational content across contexts, it perpetually pervades new domains. Milton's language is not as transparent to its metaphorical devices as Auden's, and exploring it must accordingly look to structure as well as to theme.

## II. Samson and God: "His most sacred trust"

This section will certainly not analyze all of "God's ways to Samson," who is a "person separate to God."<sup>12</sup> It will consider, on a much smaller scale, how a legal concept particularly identifiable with English Law – that of *trust* – frames and informs Samson's responsibilities towards his superhuman strength and abilities, as well as allows him to quarrel, in his capacity of trustee, with the heavenly trustor who has conferred on him such an impossible burden:

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9. Hence not merely the representational and conceptual power of metaphor but also its distinctly ideological character, as metaphor performs without indicating or signaling its own performance. Steven L. Winter, *A Clearing in the Forest: Law, Life, and Mind* (Chicago, Chicago University Press, 2001); George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago, Chicago University Press, 1980).

10. In a take on Habermasian terms, law would be seen as "colonizing" life-world by linguistically taking over the structuring of interpersonal spheres of people who attempt to create meaning in their lives. (Habermas originally used the term mostly to explore the "legitimization crisis" in late capitalist societies that occurs when the state structures – the purported providers of the normative language of economy, the market, and culture – can no longer legitimize existing patterns of economic and power inequalities. Jürgen Habermas, *The Theory of Communicative Acts* (Thomas McCarthy, trans., Boston, Beacon Press, 1984), vol. II. Speakers – as well as writers – express and manipulate different levels of what linguists term "metalinguistic awareness" through the various performances of their speech-acts. Language performs in different ways, some of which are discursive in that the performance is within discourse – such as the overt thematic moves in *Samson Agonistes* – and some are on the "meta" levels that shape discourse, its norms and what counts as its proper ways of talk, description, and other performances. Michael Silverstein, "Metapragmatic Discourse and Metapragmatic Function", in John Lucy, ed., *Reflexive Language: Reported Speech and Metapragmatics* (Cambridge, Cambridge University Press, 1993), p. 33.

11. W.H. Auden, "Law Like Love", in *Selected Poems* (New York, Vintage Books, 1979), p. 91.

12. *SA*, line 31. All quotations are given by line number and so suit any edition.

How could I once look up, or heave the head,  
 Who like a foolish Pilot have shipwreck't,  
 My Vessel **trusted** to me from above[?] (emphasis added)<sup>13</sup>

A trust typically involves a triumvirate of subjects – *dramatis personae* in this case – and an entrusted object. The *trustee* is entrusted with the trust by a *trustor* (or “settlor”) in order to act in the benefit of a designated beneficiary.<sup>14</sup> All of the trustee’s actions in trust must be in accordance with this governing principle: acting for the advantage of another. In Samson’s case, the trustor is God; the trustee is Samson; the trust is the “vessel” – Samson’s prodigy – and the beneficiary not Israel but, more precisely, “Israel’s Deliverance.”<sup>15</sup>

Trust is a quintessential institution of English law. Commenting as an outsider, the French scholar Lepaulle writes that

[F]rom the settlement of the greatest of wars down to the simplest inheritance... The trust is the guardian angel of the Anglo-Saxon, accompanying him everywhere, impassively, from the cradle to the grave.”<sup>16</sup>

The English seem to share the view: according to Maitland,

If we are asked what the greatest and most distinctive achievement performed by Englishmen in the field of jurisprudence I cannot think that we should have any better answer to give than this, namely the development from century to century of the trust idea.<sup>17</sup>

While a precise history of the concept of trust cannot be attempted here, it is clear that trust was prevalent in English law by Milton’s times.<sup>18</sup> Indeed, scholars track it back to Anglo-Saxon law prior to the Norman

13. *S4*, lines 198–200. The “most sacred trust” phrase used in this section’s title appears after Samson’s encounter with Dalila, when he again refers to her, surprisingly ascribing to her a divine purpose:

God sent her to debase me,  
 And aggravate my folly who committed  
 To such a viper his most sacred trust (lines 999–1001).

14. Simon Gardner, *An Introduction to the Law of Trusts* (Oxford, Oxford University Press, 2003); D. J. Hayton, *The Law of Trusts* (3rd ed., London, Sweet and Maxwell, 1998).

15. *S4*, line 226.

16. Pierre Lepaulle, *Traité théorique et pratique des trusts en droit interne, en droit fiscal et en droit international* (Paris, Rousseau, 1932), p. 113.

17. F.W. Maitland, *Selected Essays* (Cambridge, Cambridge University Press, 1936), p.129. One reason for the prominence of trust in Common Law is its traditional failure to acknowledge third-party beneficiary contracts (where the beneficiary C, who has no contract with B, nevertheless has a claim against B from a contract between B and A). A trust accomplishes similar functions through a special institution that transcends obligatory claims. Glenville Williams, “Contracts for the Benefit of Third Parties”, *Modern Law Review* VII (1944), p. 123.

18. For a systematic as well as historical evolution of the trust from Equity to Common Law see Richard Edwards and Nigel Stockwell, *Trusts and Equity* (2nd ed., London, Pitman, 1995).

conquest of 1066.<sup>19</sup> An equitable concept, it emerged as a useful legal mechanism to bypass feudal injunctions against the transfer of land by will, as well as avoiding payment of feudal dues.<sup>20</sup> Some early uses occurred when English knights set out on crusades to the holy land, leaving estates and possessions in the care of kinfolk who, for various reasons regarding Common Law property rights, assumed or feigned proprietary title. Barring claims in Common Law, the equitable construction of trust attempted to mitigate unjust allocation of rights.<sup>21</sup> The famous 1615 *Earl of Oxford's Case* established the prevalence of Chancery orders – where Equity was applied and where trust was the central doctrine – over those of Common Law courts.<sup>22</sup> By then, the Statute of Uses of 1535 has effectively introduced trust into statutory law.<sup>23</sup> The role of legal trust was solidified as any English legal institution by the time of composition of *Samson Agonistes*, and unsurprisingly, was applied by Milton to provide his protagonist with a conceptual language through which to deal with his failures.

Breaching or failing a trust means, predominantly, to apply it (fraudulently or otherwise) to the trustee's own goals and benefit rather than to the beneficiary's. In terms of his trust, Samson's failure was not that he was vanquished by his enemies. It was that he failed to apply the trust to the prescribed purpose of political and national "deliverance," that he took a personal interest in it and employed it not to serve, but rather to live his own life in pursuing his passion and attachment to Dalila. As Stein suggests, in relating post-factum to his relationship with Dalila, Samson reveals "that the trust of God was . . . symbolically violated."<sup>24</sup> Although in retrospect Samson justifies this attachment as "lawful," i.e. according to his trust and motivated by "watching to oppress Israel's oppressors,"<sup>25</sup> commentators have felt that the argument reveals "the possibility that Samson may have been more moved by Dalila's beauty than he can now admit."<sup>26</sup> Yet Samson did not merely transgress his trust, but – in seeking love and life for himself – rebelled against his very designation as trustee to a divine force.<sup>27</sup> I like to compare this story with another I am passionate about, that of the abdication of King Edward VIII from the British throne in 1936, following his determination to marry Mrs. Wallis Simpson (a twice-divorced American and rumored Nazi sympathizer, with whom he indeed was to

19. Op. cit., p. 6.

20. Hayton, *Trusts*, pp. 11–12; Edwards and Stockwell, *Trusts and Equity*, p. 7.

21. R.E. Megarry and W.H.R. Wade, *The Law of Real Property* (5th ed., London, Sweet & Maxwell, 1984). For a discussion of medieval trusts see pp. 76–92.

22. *Earl of Oxford's Case*, 1615 1 Ch. Rep. 1. Discussed in Hayton, *Trusts*, pp. 11–12.

23. Hayton, *Trusts*, p. 12.

24. Arnold Stein, *Heroic Knowledge* (Hamden, Conn., Archon Books, 1965) p. 146.

25. *SA*, lines 231–233.

26. George M. Muldrow, *Milton and the Drama of the Soul* (The Hague, Mouton, 1970), p. 177. Muldrow makes the interesting observation, that the very analogy to Samson's "first" Philistine wife suggests this possibility.

27. Another interpretation, however, would put the emphasis on Samson's apology in line 231, "I thought it [marrying Dalila – JY] lawful from my former act," according to which his union with Dalila was consistent with his ordained course of action seeking "Israel's deliverance." This matter is discussed in the next section.

find matrimonial bliss), to the utter displeasure of his government and the Anglican church. Two days after Edward's abdication and de-facto banishment from England, the Archbishop of Canterbury, one of his staunchest critics, spoke these harsh words in a broadcast sermon:

From God he had received a high and sacred trust. Yet by his own will he has abdicated – he has surrendered the trust. With characteristic frankness he has told us his motive. It was a craving for private happiness. Strange and sad it must be that for such a motive, however strongly pressed upon his heart, he should . . . abandon a trust so great.<sup>28</sup>

Unlike Edward, who could abdicate, Samson's status as an instrument of divine purpose was not merely a political-cultural or legal one, but an ontological condition. He was conceived for divine purposes. His entrustment began at conception, as his nameless mother received, like Sarah before her and Mary after her, angelic annunciation.<sup>29</sup> The moral of this biblical tale is as harsh as any in the severe annals of prophecy: Samson has failed in that he has loved; an earthy, masculine, corporeal love. What a wretched injunction! Samson the Nazarite wished to live, not merely to be used in a function, even if divine; and precisely that – rather than *hubris* or any heroic urge – was his tragedy and his downfall. Any lawyer will easily recognize here the familiar logical structure of legal language invoking a rule (or other norm), claiming its breach, and state an appropriate remedy (or sanction).

Samson's father Manoa, too, thinks of Samson's powers as belonging not to him, nor as Samson *being* them (as Hercules was his nature, and Christ his) but as Samson holding them in trust for the function of delivering Israel from the Philistines (the analogy to Milton's life would be the failed deliverance of the Puritans from the tyranny of king and Anglicans). Now, facing a passive Samson in captivity, his father cannot hold back from scolding a son who never before listened to him much:

. . . thou the sooner  
Temptation found'st, or over-potent charms  
To **violate** the sacred **trust** of silence  
**Deposited** within thee (emphases added)<sup>30</sup>

28. Quoted in J. Lincoln White, *The Abdication of Edward VIII, A Record with all the Published Documents* (London, Routledge, 1937), p. 159.

29. JUDGES 13: 4–5. In *Samson Agonistes* Samson laments,

Why was my breeding order'd and prescribed  
As of a person separate to God[?] (lines 30–31).

The section ends with these famous tormented lines:

Ask for this great Deliverer now, and find him  
Eyeless in Gaza at the Mill with slaves,  
Himself in bonds under Philistian yoke; (lines 40–42).

30. SA, line 429.

This is contrived: while the biblical story contains a detailed list of injunctions – Samson’s mother is not to drink wine or eat forbidden meats during her pregnancy, his hair should not be cut, etcetera – there is no mention of an order of secrecy. Yet in Milton’s drama, Samson himself acknowledges that having surrendered the source of his power to Dalila is a breach of trust.<sup>31</sup> Manoa, while sighing “I cannot praise thy Marriage choices, Son,”<sup>32</sup> nevertheless realizes that that is not the whole point about Samson’s failings. A pragmatic man and caring father, he wants to air grievances and perhaps clear a matter or two with his son, but his ultimate goal is to save him. Part of that requires that Samson realizes what kind of wrong, exactly, he had committed. Precisely because Samson knows that his wife “pleas’d Mee, not my Parents,”<sup>33</sup> – and he’ll hear Manoa’s mind on that matter yet – Manoa must clarify that that was not the failure that ultimately counted. Rather than all this being about a wife “not pleasing,” the real fault was that of defaulting on trust.<sup>34</sup> Moved by his down-to-earth father, Samson later adopts Manoa’s language, although he ascribes the breach of trust to Dalila rather than to himself, mirroring the trustor-trustee relation:

So let her go, God sent her to debase me,  
And aggravate my folly who committed  
To such a viper his most sacred trust  
Of secrecy, my safety, and my life.<sup>35</sup>

The reader may well argue here, that the term “trust,” far from only denoting a legal concept, has a more general, possibly more fundamental sense – that trust relations, while fundamental to law, exist in many other social and normative contexts and frameworks. Indeed, Samson himself uses “trust” also in the sense of “reliance,” when responding to Harapha’s blasphemous challenge:

My trust is in the living God who gave me  
At my Nativity this strength, diffus’d . . .<sup>36</sup>

That “trust” may be invoked in different contexts of meaning is certainly true. However, its legal prominence in the late 17th century calls for more than colloquial construction. By the time of *Samson Agonistes*’ composition, the one certain thing in English politics was, that whether protectorate,

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31. *SA*, lines 1001–2.

32. *SA*, line 420.

33. *SA*, lines 219–220.

34. Manoa sees Samson’s afflictions as a sanction: not only is Samson deprived from that which was in his trust, he likewise suffers punishment, as the law prescribes for a faulty trustee. Samson’s lot was not a matter of ordained fate but a personal failure, for he could have acted otherwise.

35. *SA*, lines 1001–2.

36. *SA*, lines 1147–1148.

monarchy or commonwealth, the Common Law has emerged triumphant from those turbulent years of constitutional crises and civil wars. “Sir Edward Coke and his Year-Books,” so maligned by monarchists such as Strafford and Archbishop Laud who cherished their legal privileges,<sup>37</sup> took over a heterogeneous system of different courts for different people, guided by different jurisprudential philosophies. The monarchy’s prerogative courts, relatively newer inventions taking their inspiration from the renaissance’s rediscovery of Roman law under the Tudors, held that the will of the prince was the source of law, and that the judges were the king’s executors. For Coke and the Parliamentarians, the Common Law – really, a heritage of Medieval England – was an independent, impartial voice set above king and subjects alike. Milton, with all his dislike for technical legalism, was clearly a supporter of the second philosophy. And in a way, he has seen it triumphant, perhaps the only real, lingering political achievement still standing after the restoration. The republican movement and the regicides may have failed to abolish the monarchy in England, but Star Chamber and the High Commission were things of the past, as was the Court of Requests in its monarchic form, the Councils of Wales and of the North and other prerogative courts. While law has not quite become common, it has begun its ascension of modernity: becoming the normal language of social relations and framework for political organization. It is therefore not farfetched to suggest that a distinct legal structure suggested itself to Milton in framing Samson’s trust relations with God.

God – both lawgiver and, in *Samson Agonistes*, a plaintiff-trustor bearing claims against the protagonist-trustee – is the poem’s invisible character. His presence and influence are discussed, alluded to, contended with, yet he is not there to reply. “I must not quarrel with the will/ Of highest dispensation,” Samson reminds himself.<sup>38</sup> And yet he occasionally does, repetitively remorseful and tortured over that very act. In an extraordinary passage, the chorus joins in to exonerate God in advance against any possibility of legal charge. The matter is God’s prompting Samson to wed a Philistine, contrary to Hebrew religious law. The passage begins with a jurisprudentially significant assertion:

Just are the ways of God,  
And justifiable to Men<sup>39</sup>

*Justifiable* is the main point here, a discursive and epistemological matter: that the manner of proving God’s cause is through argument and discourse.

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37. The “yearbooks” diatribe is from a letter sent by Thomas Wentworth, later Earl of Strafford and chief minister to King Charles I, to Archbishop Laud. These two were the major agents struggling to retain the prerogative system in face of rising parliamentarism and Common Law. Both were later executed, Strafford by Parliament in 1641 through an Act of Attainder (reluctantly signed by Charles), Laud by the regicides. G.M. Trevelyan, *A Shortened History of England* (London, Penguin Books, 1987), p. 291.

38. *SA*, lines 60–61.

39. *SA*, lines 293–4.

Nor is the plural form “men” arbitrary: the justification holds not for the elected one or privileged few, but for the many. In this Milton evokes the doctrines of the great Christian rationalists, primarily Aquinas. The audience – which in every legal drama plays the role of jury – awaits to hear the chorus act on the argumentative premise. Here it comes, one of the most legally-dense passages in *Samson Agonistes*, spoken by the Chorus, excusing apparent transgressions through a complex legal argument:

As if they would confine th’ interminable,  
 And tie him to his own prescript,  
**Who made our Laws to bind us, not himself,**  
 And hath full right to **exempt**  
 Whom so it pleases him by choice  
 From National obstruction, without taint  
 Of sin, or **legal debt**;  
 For with his own Laws he can best dispence. (emphases added)<sup>40</sup>

Milton does not begrudge the cosmic monarch what he would never allow Charles I, namely a prerogative to exempt himself – as well as any agent – from law. God is not part of creation and its laws do not apply to him, unlike a human king who – as argued time and again by champions of the Common Law’s pre-eminence such as Coke – is indeed part of the polity and thus subject to applicable laws.

But what laws? We should note a semantic complexity constructing the word “law.” In *Paradise Lost*, “Law” is something that, while having served liberating and even elevating functions in the formative stages of monotheism, must later be overcome by the grace and intuitive “inner light” of the pious man. Thus

So Law appears imperfect, and but given  
 With purpose to resign them in full time  
 Up to a better cov’nant, disciplin’d  
 From shadowy Types to Truth, from flesh to Spirit,  
 From imposition of strict Laws, to free  
 Acceptance of large Grace, from servil fear  
 To filial, works of Law to works of faith.<sup>41</sup>

This certainly does not appear to harbor anything by way of law’s ascendance to social, let alone ethical prominence. However, in “Law” Milton does not necessarily mean “law”: the capitalized term is generally reserved, here as elsewhere, for the specific Hebraic sense of “the law of Moses,”<sup>42</sup> the divine edict and bond between God and the Hebrews, which

40. *SA*, lines 307–314.

41. Milton, *Paradise Lost* (London, Penguin Books, 1996 (1667)), book XII, pp. 300–306. subsequent references are to book and line numbers.

42. It is Harapha, the Philistine giant, who uses “Law” in its secularized sense. *SA*, line 1225.

in Christian lore is a sort of precursor of the universalized “Word” embodied in Christ.<sup>43</sup> Contrariwise, non-capitalized “law” is primarily about a normative and linguistic structure and application, less about origin or source. Milton never ceased writing as a Christian, but *Samson Agonistes* does manifest the emergence of law over Law in that law, rather than Law, becomes the internal grammar of normative claims and relations. The Hebraic Samson seems mindful of this. In justifying his marriage to Dalila he relies on precedent, yet distinguishes it from his history of consorting with Philistine women:

I thought it **lawful** from my former act,  
And the same end; still watching to oppress  
Israel’s oppressors <sup>44</sup> (emphasis added)

However, “Law” still means “God’s command” to the Hebrews, as in the following:

Thou knowst I am an Ebrew, therefore tell them,  
Our Law forbids at thir Religious Rites  
My presence; for that cause I cannot come.<sup>45</sup>

Compare the calm, confident tenor of this passage with the apologetic one of the previous (“I thought” *v.* “I know”). Overcoming self-pity, Samson is about to rediscover courage; and through that – the possibility of moral action and the vindication of his trust in the cataclysmic ending. But before that he must face his greatest and most intimate challenge, the fiery, smart, formidable and detested “Dalila thy wife.”

### III. “Hail wedded love, mysterious law . . . !” Samson and Milton in Matrimony

One of the most telling points that drive the analysis offered in this study is Milton’s meticulous framing of the conjugal relationship between Samson and Dalila. Engaging in the same metaphorical field as Auden<sup>46</sup> yet working in the opposite direction, Milton employed law as a metaphor for love already in *Paradise Lost*, when Eve extols: “Hail wedded love,

43. In the religious sense of “phenomenological” – that which God has articulated in a distinct communicative context – although not in the “word’s” metaphysical sense (for “In the beginning was the word,” John 1:1; 1:14). In this, perhaps, Christian theology differs mostly from Jewish mysticism. In Christian lore, the world was created perfect, despoiled by the original sin. Conversely, the Cabala notion of “Tikkun Olam” allocates to mankind an active role in assisting providence in perfecting creation.

44. *S4*, lines 231–233.

45. *S4*, lines 1319–1321.

46. Auden, “*Law Like Love*”.

mysterious law . . . !”<sup>47</sup> In *Samson Agonistes*, love, law and obligation serve in poetical and conceptual mix. Special attention should be given to their distinct mutual relations. Milton is mostly interested not in Samson and Dalila’s love as much as in their “wedded love” or “love’s law”<sup>48</sup> – and the kinds of claims and arguments that this characterization entails. For this he must first lay the factual ground.

Who is Dalila? In the *dramatis personae*, Samson is listed first; then comes “Manoa, the father of Samson” and then “Dalila his wife.” The first mention of Dalila in the action is preceded by Samson’s lament:

The next I took to Wife  
(O that I never had! fond wish too-late)  
Was in the Vale of Sorec, Dalila,  
That specious Monster, my accomplit snare.<sup>49</sup>

Wife? Lover? Monster? One answer, offered by Alan Rudrum,<sup>50</sup> explores a minute connotative link: Dalila reeks of “Amber scent,”<sup>51</sup> noticeable before she becomes clearly visible, a fair way of communicating her identity to a blind man such as Samson (or Milton). In Milton’s times, amber (or ambergris) was thought to be produced from the carcass of a sperm whale, the mythical leviathan sometimes associated with Satan.<sup>52</sup> This is by way of a tradition of sorts: the 15th century author John Lydgate identified Dalila with the serpent of Eden.<sup>53</sup> Dalila will eventually prove another affinity with Satan of *Paradise Lost*, in that like him she possesses an engaging, powerful rhetorical and persuasive voice. Very well: Dalila and her explosive sexuality may express a diabolical touch, yet in *Samson Agonistes* that never becomes the crux of the matter. Indeed, her identity and relation to Samson

47. This is Eve’s ode:

Hail wedded love, mysterious law, true source  
Of human offspring, sole propriety  
In Paradise of all things common else!  
Milton, *Paradise Lost*, book IV, line 750.

48. *SA*, line 810. In the original the word is non-apostrophized, hence “loves law”. For spelling variances see Prince, *Samson Agonistes*.

49. *SA*, lines 227–230.

50. Alan Rudrum, *Milton: Samson Agonistes* (London, Macmillan, 1969), p. 43.

51. *SA*, line 720.

52. Milton, *Paradise Lost*, book I, line 200. In several places in the Bible, the Leviathan (which, incidentally, is modern Hebrew for “whale”) is mentioned as God’s eventual prey, but barring one possible place – Job 3:8 – not especially diabolical. Isaiah 27:1 uses the leviathan metaphorically to indicate pagan idols which God will smite come judgment day (*Moby Dick* did not spring from associative vacuum). For other whale-references of mostly mythical nature see Psalms 74:14, 104:26, as well as Job 40:25. From an entirely different context, might the Satanic whale be none other than Hobbes’ *Leviathan*, threatening to dominate political discourse and justify absolutism?

53. John Lydgate, *Fall of Princes* (Washington, Carnegie, 1923 (1435)), p. 89. See also David Fishelov, *Samson’s Locks: The Transformations of Biblical Samson* (Haifa, University of Haifa Press, 2000) (in Hebrew), p. 116; F. Michael Krouse, *Milton’s Samson and the Christian Tradition* (Princeton, Princeton University Press, 1949), p. 103.

are matters of law and public record: perceiving her from afar, the Danite chorus line shifts from impressed to alarmed:

But who is this, what thing of Sea or Land?  
 Female of sex it seems,  
 That so bedeckt, ornate, and gay,  
 Comes this way sailing  
 Like a stately Ship  
 . . .  
 Some rich Philistian Matron she may seem,  
 And now at nearer view, no other certain  
 Than Dalila thy wife.<sup>54</sup>

The two major attributes by which the chorus identifies Dalila in a “certain” manner and which Milton proceeds to ride throughout the poem are, that she is a Philistine and that she is Samson’s wife.<sup>55</sup> However, neither attribute has any basis in the biblical story, as Milton, prolific in Hebrew,<sup>56</sup> must have known only too well. It consists no textual indication for Dalila being either a Philistine or Samson’s wife. This lack stands out on the background of the descriptions of other women in Samson’s life. Of Samson’s “first” wife, both her being a Philistine and her wifely relation to Samson are specifically recorded.<sup>57</sup> Milton’s Samson all but ignores her: a passing reference to

The first I saw at Timna, and she pleas’d  
 Mee, not my Parents, that I sought to wed,  
 The daughter of an Infidel<sup>58</sup>

Why does Milton use such a degree of poetic license in devising both Dalila’s national affiliation and her conjugal relation to Samson? If all that was required was to show Samson’s failings, his weakness of character, yielding to temptations, and betrayal of his trust, Dalila should have been characterized as a formidable woman indeed – but by no means as Samson’s wife nor, for that matter, a Philistine. However, a closer reading of the disputation between Samson and Dalila reveals that it is conducted on two levels, both

54. Abridged from *SA*, lines 710–724.

55. At one point, Samson refers to Dalila as a “Canaanite,” an undifferentiating, inclusive term used to denote indigenous peoples of Canaan, which the Philistines were not (the Bible refers to the Philistines as interlopers, “nations of the sea,” e.g. Jeremiah 47:4, Deuteronomy 2:23). Vladimir (Zeev) Jabotinsky, in his Russian masterwork *Samson Nazorei [Samson the Nazarene]* (Berlin, Slovo, 1927), a historical novel of great psychological perception and originality, indeed treats Dalila as an independent, passionate, empowered Canaanite woman unharnessed by ethnic affiliation. Translated from German as *Samson* (Cyrus Brooks, tr., New York, Judea, 1986).

56. Among other things, Milton produced several translations from the Psalms, noted for their linguistic accuracy. And yet, relying on the King James Version in writing *Samson Agonistes*, Milton follows it in at least one mistake, see *infra* note 93.

57. Judges 14:1–3, 10, 14–15.

58. *SA*, lines 219–221.

requiring these conditions. One level is the legal level, where Dalila is accused of breaching binding legal norms resulting from matrimonial duties; she defends herself, *inter alia*, by invoking legal obligations that her civic status as Philistine imposes on her. On the second level, the breach of these norms is assumed by both to be a moral fault. Law here stands independently, as a salient framework of relations (another framework is that of love and desire), as well as a metaphor for morality and righteousness.

It was more than common for the rich renaissance Samsoniana to treat Dalila as an obvious Philistine.<sup>59</sup> That, however, was not the case with her conjugal relation to Samson. In contriving this, Milton broke up with both antecedent and subsequent traditions that portray Dalila as anything from a prostitute and “traitress” to a loyal lover, but rarely a wife.<sup>60</sup> And he hammers it in: the wife/husband relationship is mentioned at least six times at various junctions of the poem, not least significantly in Samson’s dialogue with his scolding yet compassionate and pragmatic father, Manoa. Manoa is a lovable petit-bourgeois who never quite understood this enigmatic son of mysterious birth. Both father and son live by normative categories: love is intimate and private, yet a marriage relationship is a legal matter and thus inherently a public affair. It is addressed not by the vocabulary of Amor, but by that of Justitia. While its essence is emotion, its form is that of obligation.

Samson’s grievances against Dalila and her own vehement apologia are listed and meticulously analyzed in hundreds of critical analyses.<sup>61</sup> I shall therefore discuss them only cursorily here, emphasizing those aspects that are most salient to the central claim of this study. Note, that like Milton and his unhappy wife Mary Powell – and as opposed to Samson’s “first,” unnamed Philistine wife – Samson and Dalila were never divorced.<sup>62</sup> Their quarrel is still that of a husband and wife. Samson himself draws attention to it, even before Dalila makes her entrance: “My Wife, my traitress, let her not come near me.”<sup>63</sup>

Traitorous? Not to Dalila’s mind. While she professes “Not that I endeavour to lessen/ Or extenuate my offense,”<sup>64</sup> she in fact makes three escalating arguments to counter the accusation. None of them carries much

59. A wonderfully rich source, referring mostly to renaissance art, is offered in Joseph Wittreich, *Interpreting Samson Agonistes* (Princeton, Princeton University Press, 1986). For a lovely and exceptionally rich offering of hundreds of Samson-related literary, dramatic, artistic and other artifacts see David Fishelov, *Samson’s Locks*. Fishelov treats with equal curiosity and critical care Samson-related “high culture” – literary, dramatic, visual and other artistic works – as well as popular art forms such as cinema, pop lyrics, commercial artifacts and political slogans.

60. Hermeneutic literature, however, dealt with the question often; Joseph Wittreich, *Feminist Milton* (Ithaca, Cornell University Press, 1987), pp. 133–134.

61. A comprehensive survey is offered in Shawcross, *The Uncertain World*, as well as in Mary Ann Radzinowicz, *Toward Samson Agonistes: The Growth of Milton’s Mind* (Princeton: Princeton University Press, 1978), and Wood, *Exiled from Light*.

62. After the affair of her betraying his “from mighty to sweet” riddle to her kinsfolk, Samson’s “first” wife was given to his close friend, Judges 15:1. In Jabotinsky’s *Samson Nazorei*, that became the main trauma and destructive driving force of Samson’s life ever since, as well as the source for Dalila’s hateful jealousy.

63. *SA*, line 725.

64. *SA*, lines 766–7.

weight with Samson, yet he invests the most in refuting the most distinctly legal of the three. To begin with, Dalila – whose courage in facing the awful rage of her terrible husband can only be admired – invokes her human weakness, pointing out to Samson’s own weakness in betraying his trust to her. If he forgave himself, she asserts, so must he forgive her.<sup>65</sup> Samson is unimpressed: well acquainted with character faults, he forgives neither her nor himself for what otherwise would amount to a universal defense against all transgressions. Dalila then invokes her love for him,<sup>66</sup> that her only motive for handing him to Philistine captivity was to keep him from forsaking her as he did other women; and that he would in fact have widowed her himself had she not taken preventive measures. She wanted him “mine and Love’s prisoner, not the Philistines.”<sup>67</sup> Law makes a first appearance in Dalila’s discourse: “These reasons in Love’s law have past for good.”<sup>68</sup> This too fails to convince the agonist: for having betrayed him, she surely could not have expected to retain his favor.<sup>69</sup> Interestingly enough, Samson doesn’t pose to ponder why – if her action towards him was tactical and malevolent, her only incentive “Philistine gold” as he accuses her<sup>70</sup> – does she bother with him after his fall? Dalila is desperate for his pardon, but not at the expense of forsaking justifications for her actions. She seeks to convince him, not merely win his sympathy through flattery or supplication. Her third and ultimate defense is the one Samson has the most difficulty dealing with, because in essence he has committed the same act when marrying Philistine women in order to battle their nation. Dalila isn’t merely a woman and wife, she asserts proudly – yet with a hint of sorrow – but also a daughter of her nation, obligated towards it by law:

...the Magistrates  
 And Princes of my country came in person  
 Solicited, commanded, threatened, urged  
 Adjured by all the bonds of civil Duty.<sup>71</sup>

“Civil duty” and not merely loyalty or tribal or religious affiliation. It is a general maxim:

... to the public good  
 Private respects must yield.<sup>72</sup>

Colloquially, Dalila would have said “it wasn’t personal.” Samson, as noted, may have very well recognized himself in this. For did he not claim that the

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65. *SA*, lines 773 *et seq.*

66. *SA*, lines 791 *et seq.*

67. *SA*, line 808.

68. *SA*, line 811.

69. *SA*, line 840.

70. *SA*, line 832.

71. *SA*, lines 850–853.

72. *SA*, lines 877–878.

sole purpose of his marrying Dalila was to find excuses to abuse her people?<sup>73</sup> His prowess was public, his jocund and amorous exploits all his own. For in truth, while both Samson and Dalila invoke public purposes, both must respond to the suspicion that matters were, in fact, personal; that like in Yeats' compelling words, "Nor law, nor duty bade me fight."<sup>74</sup> Samson, who all his life riddled the Philistines and subsequently arranged for his riddles to be betrayed to them by women – thus creating excuses to fall on his adversaries for supposedly private grievances rather than in the service of national "deliverance" – was found out by Dalila, his most intimate nemesis. What she succeeded in – bringing down her nation's greatest enemy – is precisely where he had failed. Out of rebuke, he now turns to a strictly legal argument: that

Being once a wife, for me thou wast to leave  
 Parents and country  
 \*\*\*  
 Thou mine, not theirs. If aught against my life  
 Thy country sought of thee, it sought unjustly,  
 Against the law of nature, law of nations.<sup>75</sup>

Empson suggests that these lines accuse the Philistines of breaching "the Law of Nature," as "God's universal law /Gave to the man despotic power /Over his female" (*SA*, lines 1053–5).<sup>76</sup> But these are the chorus' lines and not Samson's. Samson's argument regarding the normative shift whereby Dalila's legal allegiances, once married, became determined by the law governing her husband, is more specific and more precise than the chorus' platitude. There is also a difference of vocabulary: the chorus talks generally of "man" and "his female," but Samson uses the more precise, legal term "husband,"<sup>77</sup> who must be "received" by his wife-to-be.<sup>78</sup>

Having violated the law, the Philistine nation – constituted by law and not merely by history – forfeits its normative status:

No more thy country, but an impious crew  
 Of men conspiring to uphold their state  
 \*\*\*  
 Not therefore to be obey'd.<sup>79</sup>

73. This, when in fact he betrayed his public charge and trust of "Israel's deliverance" for his very private passion for her. *SA*, lines 39–40, 225, 246, 1270 and elsewhere.

74. W.B. Yeats, "An Irish Airman Foresees his Death," in *The Collected Poems of W.B. Yeats* (London, Macmillan, 1989), p. 135.

75. *SA*, lines 885–890. For a close analysis of this passage "which moves from love to law" see Stein, *Heroic Knowledge* 173.

76. William Empson, *Milton's God* (London, Chatto & Windus, 1965), p. 219. Breaking away from the "neo-Christian" tradition of Milton criticism, this work is extremely illuminating in the context of any study of secularized language in Milton.

77. *SA*, lines 883 and 940.

78. *SA*, line 883.

79. *SA*, lines 891–895.

This is where the legal argument shifts gears. The complaint is no longer about breach of intimacy, “love’s law,” nor does it concern only the obligations entailed by matrimony. It is about the kinds of claims that a country may lawfully impose on its citizens. Dalila’s marriage to Samson both invalidated Philistia’s right to impose those claims on her, and revoked her duty to adhere to them once they were imposed.

Milton’s political views regarding sovereigns’ subjection to legal norms is expressed here.<sup>80</sup> As countries – although political entities – are constituted by law and not merely by history or power or chance, a ruling cast that breaches constitutive law becomes “an impious crew.” In legal terms we would call this “*ultra vires*,” transgressing the constitutive bounds of an organ’s authority. Such doctrines exist in all jurisprudential models based on what Hans Kelsen would later term “genealogical” normative relations<sup>81</sup> – whereby a norm is always begotten or authorized by another (up to the *grundnorm* which is a logical construction or presupposition for positivists, and a metaphysical fact for naturalists) – and Samson’s jurisprudence is very clear in this matter. He is closer to Hobbes than to the 19th century John Austin, who argued that the sovereign is not a legal entity but only a political one, constituted by power relations, and as such not bound by law.<sup>82</sup> Neither Milton nor Samson, nor the regicides who executed King Charles I on charges of tyranny, subscribed to such a jurisprudence.

Samson further makes an additional second-order claim, regarding the legal implications of matrimony. It is about what a woman transforms through, legally, once she is wed: quite simply, she transfers from her former civic alliance to the legal system to which her husband is subject. That legal system now claims her, just as her husband becomes her new family. Samson’s matrimonial jurisprudence is certainly patriarchic,<sup>83</sup> and that’s what Dalila – in some senses, a prototypical feminist – resents:

In argument with men a woman ever  
Goes by the worse, whatever her cause.<sup>84</sup>

Even Samson’s powerful attachment to Dalila is referred to in legalistic terms: unlike in the case of his first marriage, it was “lawful” of him to marry an infidel in order to perform his trust,<sup>85</sup> yet things deteriorated

80. With an emphasis on the binding force of international law, the “law of nations,” Op. cit.

81. Hans Kelsen, *General Theory of Norms* (Oxford, Oxford University Press, 1979).

82. John Austin, *The Province of Jurisprudence Determined* (Wilfred E. Rumble ed., Oxford, Oxford University Press, 1995 (1832)).

83. As is the chorus’, claiming man’s jurisdiction over woman a matter of “Gods universal Law,” *SA*, lines 1053–55. The chorus, however, is generally conventional, shallow of understanding and even a little daft (see Wittreich, *Feminist Milton*, p. 134 for references to the chorus being “highly platitudinous,” etc.; Samson himself scolds it, “Be less abstruse, my riddling days are past,” line 1064). This is unsurprising: both Milton and Samson had, after all, little praise for the positions expressed by their respective reactionary peoples who have rejected the promises of liberty for the comforts of servitude, either to Philistia or to the restored British monarchy.

84. *SA*, lines 903–904.

85. *SA*, line 231.

awfully on the metaphorical legal level, love becoming a “bond,” a legal instrument of subjugation:

But foul effeminacy held me yok't  
Her Bond-slave<sup>86</sup>

Resisting the temptation to overdraw on biographical allusions, one nevertheless recalls Milton's own tumultuous marriage to Mary Powell, who hailed from royalist folk and resisted “converting” to her husband's rebellious puritan politics. Only sixteen years old at the time of their wedding, of an independent mind and alien to his beliefs and politics, ideological differences and the lack of spiritual companionship with her husband played a role in prompting Milton's influential writings on divorce, notably *The Doctrine and Discipline of Divorce*.<sup>87</sup> Milton could possibly have sought annulment of his own marriage under canon law, but that was wholly removed from his agenda: what he wanted, was for parliament to adopt civil legislation allowing disunion.

Dalila, in my reading of the poem, is a moving, complex character, a tragic heroine in her own right. While Samson finds in her mix of emotional, prudential, and finally legalistic argument proof of a manipulative and corrupt character, I find in it a passionate expression of the complexity of human experience. While I understand how contemporary readers have read the poem as “a terrible Satyr on Woman,”<sup>88</sup> a change of disposition calls for a very serious consideration of Dalila's own plight. Her rhetoric certainly is genuinely engaging and eloquent. There is a democratic aspect to Milton's work that is sometimes absent from Shakespeare in his moralistic moments: in *Samson Agonistes* as well as in *Paradise Lost*, the character who fills the role of the chief villain – respectively, Dalila and Satan – enjoys tremendous rhetorical appeal.<sup>89</sup>

Before withdrawing, Dalila makes one more simple, moving attempt: to offer Samson physical relief from his misery and bondage. When he flatly refuses that, she asks at least to touch him, which infuriates his right-

86. *SA*, lines 410–411. There are worse conditions, as when Samson laments of his captivity,

O glorious strength  
Put to the labour of a Beast, debased  
Lower then bondslave! (Lines 36–38).

87. John Milton, “The Doctrine and Discipline of Divorce”, in Wolfe, *Complete Prose Works*, Vol. II, p. 222.

88. Bishop Atterbury's letter to Alexander Pope (June 15, 1722), in Thomas Birch, ed., *The Whole Works of John Milton* (London, A. Millar, 1753), vol. I, p. lxix.

89. The question of the rhetorical and persuasive force of “the language of villains” in Milton – Satan, Dalila – has long stood as a major problem for Milton criticism. Obviously, it cannot be addressed here; see Stanley Fish, *Surprised by Sin: The Reader in 'Paradise Lost'* (2nd ed., Cambridge, Mass., Harvard University Press, 1998), John Rumrich, *Milton Unbound: Controversy and Reinterpretation* (Cambridge, Cambridge University Press, 1996).

eousness.<sup>90</sup> Does not Milton's genius here foretell something other than merely modernity's love affair with law? For Samson has won the legal argument. But what has he gained?

#### IV. "Answer thy appellant": Regaining the Ability for Moral Action

All of Samson's encounters are transformative. He never emerges from them quite as he has entered; but the encounter with the Philistine warrior giant Harapha, towards the poem's cataclysmic conclusion, is perhaps the drama's turning point. True to his life of violence and physical conflict, Samson discovers an unusual opportunity for redefining himself once he faces physical adversity. While, during his encounter with Dalila, he is righteous, vindictive, loud, utterly disgruntled and eventually hateful towards himself as much as towards his "traitress," the tone of his encounter with Harapha is completely different. Once physical violence rather than mere argument suggests itself, Samson regains a measure of august calm. When facing physical adversity and scorn, Samson – back in a familiar element – composes himself in a remarkable feat of self-control. His talk becomes focused, precise, rhetorically lean, almost stoic. It is not just what he says as the poetic qualities of his talk that give the impression of a spring being cocked or a leopard tightening and flexing its muscles. With Harapha's help, Samson rediscovers himself. Where talk was tempestuous and scorning, it becomes curt and direct. Where Samson came through as arrogant, he is now dignified. None of the whining of the previous sections appears here. A hint of this new attitude is expressed at the outset, in Samson's reply to the watchful chorus, warning him of the giant's approach:

*Chorus.* His habit carries peace, his brow defiance.

*Samson.* Or peace or not, alike to me he comes.

Although the name is of biblical origins,<sup>91</sup> Harapha is for all purposes Milton's invention. The illustrious giant cuts a formidable and fearsome figure, which – for Samson's benefit – the chorus describes:

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90. Touching implies intimacy, but also a kind of knowing that neither language nor sight can provide. Compare this with Samson's own clever taunt directed at the Philistine giant Harapha in line 1091, "The way to know were not to see but taste."

91. David fights and vanquishes several "offsprings of Harapha," 2 Samuel 21:16–22. One of them is called Goliath (*id.* at 19; also 1 Chronicles 20:5 that speaks of "Lakhmi, a brother of Goliath.") Another, vanquished at Gath, is a fearsome mutant: "[T]he fingers of his hands and his feet six and six, twenty-four all in all, and he too was born of Harapha" (2 Samuel 21:20), while 1 Chronicles 20:6 adds that he was "A man of great measure . . . these were born to Harapha in Gath."

The Giant Harapha of Gath, his look  
 Haughty as is his pile high-built and proud<sup>92</sup>

Harapha introduces himself as if to a stranger, recounting his fearsome lineage:

... I am of Gath,  
 Men call me Harapha, of stock renown'd  
 as *Og* or *Anak* and the *Emims* old  
 that *Kiryathaim* held: thou know'st me now<sup>93</sup>

Harapha expresses his reasons for coming as a mix of professional interest and curiosity “to see of whom such noise Hath walk'd about.”<sup>94</sup> His recitation of lineage emphasizes his ancestral superiority in comparison with the upstart Samson, now returned to his proper abject position. Harapha believes in social order, and as giants go he is a snob.<sup>95</sup> He also professes frustration:

[...] much I have heard  
 of thy prodigious might and feats perform'd  
 Incredible to me, in this displeas'd,  
 That I was never present on the place  
 Of those encounters, where we might have tried  
 Each others force in camp or listed field<sup>96</sup>

Samson's curt reply to Harapha is no less than an invitation to combat:

*Samson*: The way to know were not to see but taste.<sup>97</sup>

Not to put too fine a point on it, the notion that seeing is not an adequate means – nor a correct metaphor – for knowing, is something new and

92. *SA*, lines 1068–9.

93. *SA*, lines 1078–81. Og, king of the Bashan, was a frightful giant who stood up to the advancing Israelites, Numbers 21:33, also Deuteronomy 3:1–3, 11, Joshua 13:12 (Og is specified as “the last of the Rephaim,” a race of giants). Anak was a giant whose descendants – dubbed by the plural form *Anakim*, which appears in line 528 of the poem – were vanquished in Hebron by Chaleb and Joshua, Joshua 15:12–15 (“anak” has later become generic for “giant” in Hebrew, Deuteronomy 2:21, and both as noun and adjective that is its usage in modern Hebrew). *Emims* is a double plural (Emim is the correct plural form), a giant race from Moab, Deuteronomy 2:10–11, where *Kiryathaim* – a King James Version misnaming for the original *Kiryataim* – presumably was; Genesis 14:5; Deuteronomy 2:8–11 (*Kiryataim* means “two townships,” *Kiryathaim* – “township of life”).

94. *SA*, lines 1088–9.

95. After Harapha's departure, Samson admits to having known his reputation full well:

I dread him not, nor all his Giant-brood,  
 Though Fame divulge him Father of five Sons  
 All of Gigantic size, Goliath chief. (lines 1247–9)

96. *SA*, lines 1082–87. Ironically, all the illustrious warriors Harapha names as renowned ancestors have made their way into posterity through being vanquished by Israelite warriors (as would his offspring, Goliath).

97. *SA*, line 1091.

telling about Samson's development over the poem's plot. Using different sensual metaphors for knowledge is a play of its own in *Samson Agonistes*. Samson likes his little word plays at the expense of the daft Harapha:

Then thou shalt see, or rather to thy sorrow  
Soon feel, whose God is strongest, thine or mine.<sup>98</sup>

Is this the tormented “exile from light” who, in the first part of the drama, laments his blindness more than any other part of his condition? Again the private and the public are fused: Samson mixes personal swagger with invoking a contest between national champions (anteceding the one awaiting Harapha's offspring Goliath two generations hence).<sup>99</sup> Finding out through a single battle of champions, or a mere wrestling contest (recall the “agonist” in classical athletic competitions) which god is “strongest” is not quite Milton's idea of determining theological controversies. It would, however, strike the right chord with a pagan and warlike people. It is highly unlikely that Milton was familiar with the 13th century Icelandic *Njal's Saga*, which documents a *disputatio* on the question whether Christ or Thor would prevail in single combat.<sup>100</sup> He may have been, however, familiar with the Christian tale of the English missionary St. Boniface who, preaching to Germanic and Nordic tribes in the 8th century, chopped an oak sacred to Thor, thus proving the thunder god's impotence to stand his ground against a minister of Christ.<sup>101</sup> In Germanic societies in particular, such trials and ordeals were established procedures for resolving legal disputes.<sup>102</sup>

An object for pity earlier, in facing Harapha Samson becomes downright scary. What he is about to rediscover, is courage. We realize that while facing Dalila, Samson was on the brink of hysteria.<sup>103</sup> But now, replying to Harapha's taunts with a startling invitation to combat, Samson is confident as the agonist was never before depicted. He senses the possibility of moral action even in his physically and politically debased station.

98. *SA*, lines 1154–5.

99. “Goliath” may have been not an uncommon name among Philistine men of war. While David slew a Goliath whose lineage is unknown (I Samuel 17:23–52), other Israelite heroes who vanquished Harapha's descendant Goliath of Gath (II Samuel 21:19).

100. *Njal's Saga* (Anon., Magnus Magnusson and Hermann Pálsson trans., London, Penguin Books, 1960) pp. 221–2.

101. The history of St. Boniface's life and deeds (as told by his disciple St. Willibald) by Henricus Canisius, *Sancti Willibaldi Eickstadiani Liber de Vita S. Bonifacii Martyris, Germanorum Apostoli, etc.*, was published in 1603 in Ingoldstadt (Germany) and possibly available to Milton. George W. Robinson, *The Life of Saint Boniface by Willibald* (Cambridge, Mass., Harvard University Press, 1916).

102. Robert Bartlett, *Trial By Fire and Water: The Medieval Judicial Ordeal* (Oxford, Clarendon Press, 1989).

103. This is apparent right from the start, in Samson's exclamation to keep Dalila from coming near him as she approaches, line 725; this is in stark contrast to his willingness to meet the formidable giant Harapha, as analyzed below. Explore also Samson's tone in lines 952 *et seq.*, as well as Samson's relief upon Dalila's departure, lines 999 *et seq.*

But Harapha would not fight:

To combat with a blind man I disdain,  
And thou hast need much washing to be touch'd.<sup>104</sup>

This, Samson contends,<sup>105</sup> is an illegitimate argumentative move: as his blindness occurred not naturally but inflicted by the Philistines as part of a treacherous scheme to bring him down, the Philistine champion may not invoke it in excusing himself from combat. In its logic the argument conforms to the Equity structure of estoppel, whereby a party is “estopped” – ie, barred – from performing or making an otherwise rightful action or claim, due to some liability based on previous actions.<sup>106</sup> Facing such unexpected talk Harapha becomes confused, suspicious; he blames Samson for being “A Murderer, a Revolter, and a Robber.”<sup>107</sup> Samson requires proof, weighing on Harapha the probative onus: “Tongue-doughty Giant, how dost thou prove me these?”<sup>108</sup>

The stage is ready for a *legal* dispute. This is significant: the antagonists shift from declaring the respective might of their gods, Dagon and Yahweh – incommensurable claims irreducible to discourse, resolvable only in combat – to the general, rationalistic form of claim and argument. Accordingly, Harapha brings evidence in support of his claim of Samson’s lawlessness, which Samson cleverly refutes. It is then his turn to accuse, demanding:

*Samson.* These shifts refuted, answer thy appellant.<sup>109</sup>

“Appellant” is, of course, the challenger in the ordeal of single combat (“calling out” the defendant).<sup>110</sup> Samson isn’t looking merely for a brawl, but for a competition of cause and merit (in the ordeal of combat not the stronger combatant wins but the one representing the righteous legal cause). But “appellant” is also, of course, one who petitions a court, or else the bearer of legal appeal from a lower instance. Samson persists in this

104. *SA*, lines 1106–7.

105. *SA*, lines 1109 *et seq.*

106. In English law, estoppel “despite its procedural nature, it is a particularly useful doctrine in that its whole purpose can be to prevent a person from unreasonably exercising rights at common law.” Geoffrey Samuel and Jac Rinkes, *The English Law of Obligations in Comparative Context* (Nijmegen, The Netherlands, Ars Aequi Libri, 1991), p. 31. While in some areas the prevalence of estoppel is relatively recent, the doctrine itself was exercised in Chancery Courts – from which it influenced traditional Common Law – at least as early as the 17th century, and probably much earlier. Robert Summers and Robert Hillman, *Contract and Related Obligation: Theory, Doctrine, and Practice* (5th ed., West Publishing, St. Paul, 2000), p. 81 (quoting Pufendorf). As a procedural principal, estoppel is expressed already in *Justinian’s Digest* (Alan Watson ed., rev. ed., Philadelphia, University of Pennsylvania Press, 1998), vol. II, §50.17.75.

107. *SA*, line 1180.

108. *SA*, line 1181.

109. *SA*, line 1220.

110. Bartlett, *Trial By Fire*; Peter Brown, “Society and the Supernatural: A Medieval Change”, *Dedalus CIV* (1975), p. 133; Rebecca Coleman, “Reason and Unreason in Early Medieval Law”, *Journal of Interdisciplinary History IV* (1974), p. 571.

metaphorical field: contemptuous of Harapha's refusal to accept his invitation to combat, the blind challenger is loath that his antagonist will gaze and objectify him (Sartre could have used this scene profitably for his analysis of gaze in *Being and Nothingness*). And so Samson chastises Harapha, that he has illegitimately come merely to "descant on my strength, and give thy verdict"<sup>111</sup> – as if Harapha was abusing some adjudicative function.

Legal metaphors, then, underlie the structure of argument between Samson and Harapha. They are, of course, not the only ones. The encounter is, one might say, rife with testosterone and with clashing models of masculinity. It is where Samson looks at what he could have become had he given in, during his lifetime, to his own physical prowess while neglecting moral character. Harapha is the distorted mirror, a Dorian Gray's picture, that every hero must examine himself in for signs of corruption brought by power and dominance. Harapha, initially appearing so mighty, turns out to be dense, conventional, petty, and ultimately a coward. In confronting him, Samson rises from self pity. If his earlier condemnation of Dalila was a matter of moral choice it was – in Nietzschean terms – an act of *ressentiment*, marked by torment and vengeance. But now, a rediscovery of freedom of action and of moral choice is formed within him. This, in fact, renders him much more dangerous to his enemies.

Once Harapha is gone the stage is set for action. The Philistine public messenger – possibly at Harapha's malicious behest – arrives to require Samson's presence at the great feast of Dagon. Initially, Samson is outraged. He excuses himself by invoking not personal reluctance but an applicable injunction:

Our Law forbids at their Religious Rites  
My presence; for that cause I cannot come.<sup>112</sup>

It is a dangerous choice. Both the benevolent messenger and the chorus warn Samson of the repercussions that this "stoutness" will bring on his head.<sup>113</sup> Yet by now Samson has regained much of what he considered lost: for in his response he speaks of "my conscience and internal peace."<sup>114</sup> What a wonderful thing to say, for a broken captive who several hundred lines earlier was so tormented, internally, that he didn't dare invoke his moral sense, let alone any notion of serenity? Samson recalls that he once before betrayed God's trust, and he is not about to do so again:

Shall I abuse this Consecrated gift  
Of strength, again returning with my hair

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111. *SA*, line 1228.

112. *SA*, lines 1320–1321.

113. *SA*, line 1346.

114. *SA*, line 1334.

After my great transgression, so requite  
 Favour renew'd, and add a greater sin  
 By prostituting holy things to Idols;  
 A Nazarite in place abominable  
 Vaunting my strength in honour to their Dagon?<sup>115</sup>

This might seem a strange time for discussions of legal niceties. The chorus, however – alarmed by what Samson may suffer by disobeying Philistine law (according to which he must adhere by his masters' behest) – attempts to convince Samson that there is no crime in reluctant obedience. But Samson denies this to be a case of true duress:

*Chorus.* Where the heart joins not, outward acts defile not.  
*Samson.* Where outward force constrains, the sentence holds;  
 But who constrains me to the Temple of Dagon,  
 Not dragging? the Philistian Lords command.  
 Commands are no constraints. If I obey them,  
 I do it freely<sup>116</sup>

A forceful argument by all measures. Yet something else is at play here: Samson's pride is hurt.

Have they not Sword-players, and ev'ry sort  
 Of Gymnic Artists, Wrestlers, Riders, Runners,  
 Juglers and Dancers, Antics, Mummers, Mimics,  
 But they must pick me out with shackles tired,  
 And over-labour'd at their publick Mill,  
 To make them sport with blind activity?<sup>117</sup>

And that, of course, is what he suddenly realizes: that his pride, which time and again has set him astray, is about to do so again, masking itself as law and piety. The last transition that Samson passes through is mute: he is struck, perhaps not so much by a new idea as by his ability to act again rather than merely react to imposed circumstances. In his encounter with Dalila, Samson mostly engages in a debate whose parameters are set by her. When facing Harapha, however, he transforms the very essence of the encounter. Deleuze emphasizes an important distinction drawn from Nietzsche's philosophy of power: while *reactive* forces respond to their context and in this way are dictated by them, *active* forces find their own mediums for action. Samson is on his way to redeem himself from servility. Harapha

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115. *SA*, lines 1358–64.

116. *SA*, lines 1372–7.

117. *SA*, lines 1326–31.

in fact ends up aiding him, because force needs resistance in order to re-invent, express itself and grow.<sup>118</sup>

And so Samson decides to attend the heathen feast. It will be at his own behest rather than the Philistines, and neither Law nor law will be transgressed. The chorus is dumbfounded, unable to understand this reversal of resolve and of mood. Samson is reinventing himself: from dallying in self-pity and remorse, through his blind hatred of Dalila and finally his august treatment of Harapha, he is released from moral bondage. He discovers what Deleuze found in Nietzsche's concept of "will to power": that the ever reinventing will reaches beyond mere reactions to imposed reality; that his case does not have to be (like Harapha's) that of a man controlled by representations of power, but one whose will is emerging beyond them. Samson's power is no longer only an instrument. In contrast to the model of trust discussed above, Samson is not merely obeying anymore: he becomes a *power that wills*.<sup>119</sup> In this new existential form lies his redemption as a tragic hero. Samson gives joyful expression to his power, breaking free from the failures that have marked him all his life. To be sure, this newly-found moral disposition leads to a savage vindication and to the utter destruction of his enemies-turned-victims as well as of himself.

Only Manoa – the benevolent, caring, pragmatic, all-too-human Manoa – never quite gets it. Even after his son perished so horribly and so magnificently, he still laments, as parents are perhaps wont to do, of Samson's "lot unfortunate in nuptial choice,"<sup>120</sup> from which all calamity he perceives to have begotten.

## V. Law and the Argumentative Structure of *Samson Agonistes*

Not content alone, but the very structure of *Samson Agonistes* – even its name – suggest the adversarial structure of Common Law litigation. With all its professing to be an Aristotelian "imitation of action"<sup>121</sup> (and Milton is

118. [S]trong nature . . . needs objects of resistance: hence it looks for what resists . . . The strength of those who attack can be measured in a way by the opposition they require: every growth is indicated by the search for a mighty opponent . . . The task is not simply to master what happens to resist, but what requires us to stake all our strength, suppleness, and fighting skill – opponents that are our equals  
Friedrich Nietzsche. *Why I am So Wise para. 7*, in *EcceHomo*, in *Basic Writings of Nietzsche* (Walter Kaufman ed. & trans., 1968)

119. In his reading of Nietzsche's concept of the will to power, Deleuze emphasizes that it is not the will that desires power, but *power that wills*: "pouvoir est ce qui veut dans le vouloir [power is that which wants in the wanting]" Gilles Deleuze, *Nietzsche and Philosophy* (Hugh Tomlinson trans., New York, Columbia University Press, 1983), p. 81. For an exegesis of this position and some applications to legal theory see Jonathan Yovel, "Gay Science as Law: An Outline for a Nietzschean Jurisprudence", *Cardozo Law Review* XXIV (2003) p. 635, rpr. in Peter Goodrich and Mariana Velverde, eds., *Half-Written Laws: Nietzsche and Legal Theory* (2005).

120. *SA*, line 1743.

121. On Aristotle's definition of tragedy as mimetic – "an imitation of action" rather than a narration of it – see Aristotle, *Poetics* (Francis Fergusson ed. and trans., New York, Hill and Wang, 1961), p. 61.

forthright about *Samson Agonistes* being modeled after the Aristotelian ideal of dramatic structure),<sup>122</sup> the work – in this resembling Sophocles more than Shakespeare – in fact features very little action. Most of it consists of dialogues – arguments in which Samson the “agonist” contends. For a 17th century audience versed in Shakespeare and Marlowe, *Samson Agonistes*, dense with talk and sparse with action, would be a dramatic bore – more like attending a court of law than the theater (this is not an esthetical shortcoming as Milton never intended the piece for performance).<sup>123</sup> The agonist is confronted with a series of antagonists, each presenting him not merely with a distinctive temptation and invoking a different weakness or failure, but also enjoining a different claim. Samson argues with these claims, stands accused, admits certain faults, denies others, makes charges and counterclaims of his own. All the speakers in the drama apply this pattern as they apply normative argument, reconstruct facts, defy, challenge, and cajole. No arbitrator is present, divine or secular, although the voice of the chorus – the collective, the polity – hastens to comment on each separate argument.

In Hellenic lore, the “agonist” was a contender in athletic games. Correspondingly, the title *Samson “Agonistes”* evokes not merely a description of action but a condition or status, such as *Prometheus “Bound”* or *Oedipus “Rex.”* In the classical Greek that Milton was fluent in, “agon” – literally, a struggle or contest – denotes athletic contests, but also a battle, or a legal battle (ie a trial). Accordingly, it also denotes a speech or argument delivered in a court of law. In English, the term takes on the suffering sense of “agony,” as in Christ’s agony in the garden of Gethsemane prior to his betrayal by Judas. Samson is more than a physical contender, and his agonies, physical and psychological to begin with, turn ethical and interpretative. Alan Rudrum talks of Samson as a “philosophical athlete” and compares the concept to St. Paul’s notion of “Christian life in terms of warfare or athletic contest.”<sup>124</sup> It is worthwhile to distinguish between the metaphors. Like law, games are constituted by sets of rules that define legitimate moves, introduce procedures, co-ordinate co-operation and adversity, regulate turn-taking, and define what winning consists in. Athletic games and team sports in particular involve submitting to real-time judging,<sup>125</sup> following and manipulating rules, and such proto-ethical concepts as “fair play.” While warfare, too, became bound in forms of legality since Hugo Grotius’ *De jure belli ac pacis* (1625) it is certainly a much more unruly and dangerous form of action. Samson eventually emerges from talk and law into violence, but – within the parameters of his trust – that too will consist in moral action. Towards the end of his life Samson

122. John Milton, “On that sort of Dramatic Poem which is call’d Tragedy,” in Prince, *Samson Agonistes*, p. 19.

123. Milton comments that “Division into Act and Scene referring chiefly to the Stage (to which this work never was intended) is here omitted.” *Samson Agonistes*, p. 20.

124. Rudrum, *Samson Agonistes*, pp. 17–18.

125. Coincidentally, in modern Hebrew the biblical word *shofet* is used for “judge” as well as for “referee” or “umpire.”

discovers what every tragic hero must, namely that the least significant thing about possessing superior strength (or power), is strength itself:

But what is strength without a double share  
 Of wisdom, vast, unwieldy, burdensome,  
 Proudly secure, yet liable to fall  
 By weakest subtleties, not made to rule,  
 But to subserve where wisdom bears command.  
 God, when he gave me strength, to show withal  
 How slight the gift was, hung it in my Hair.<sup>126</sup>

Samson is indubitably a fierce and wild man. Like others in the gallery of mythological “strong men” – Hercules, Gilgamesh, Cu Chulaind, Achilles, Siegfried – his greatest wrestles involve ethical ambiguities and conflicts, not feats of physical strength. He would destroy Philistia, but as a tragic hero in compliance with his divine trust, not as the savage man-beast or primeval force of nature that his enemies take him to be.

## VI. Conclusion

This study may be blamed for being an exercise in stretching a point. It does not, however, pretend to offer a comprehensive interpretation for *Samson Agonistes*. It analyzes a certain set of poetic metaphors that previous research has by and large neglected. It then focuses not so much on the interpretation or meaning of *Samson Agonistes* as on its performance: as a set of metaphorical devices involving law, what does the text *do*?<sup>127</sup> It suggests that in using and applying legal language – both in terms of structure and grammar and in its vocabulary – *Samson Agonistes* serves as an indication for the prospective pre-eminence of law over both religion and feudalism as the language of relations.

Milton uses the chorus in *Samson Agonistes* to condemn atheists “who think not God at all” and thus “walk obscure,”<sup>128</sup> and he rages against the emerging secular, rationalistic philosophies of Descartes (an ardent catholic, incidentally) and possibly Spinoza. But like a true Puritan his sharpest arrows he keeps for religious rather than secular heretics: those who do not deny god<sup>129</sup> but

126. *SA*, lines 53–59.

127. For interpretative approaches that center on performance rather than on meaning of legal/literary texts see Jonathan Yovel, “Running backs, Wolves, and Other Fatalities: How Manipulations of Narrative Coherence in Legal Opinions Marginalize Violent Death”, *Law and Literature* XVI (2004), p. 127; *idem*, “Invisible Precedents: On the Many Lives of Legal Stories Through Law and Popular Culture”, *Emory Law Journal* L (2001), p. 1265.

128. *SA*, lines 295–6.

129. When I use “god” as a noun the word is not capitalized. It is when “God” is the designated name for the poem’s “invisible character.”

“who doubt his ways not just” and “give the reins to wandering thought.”<sup>130</sup> Yet even here – where obligation is strictly religious – Milton forms and traces obligation along legalistic, rather than purely religious lines.<sup>131</sup> Such lines allow Samson and the drama’s other characters the freedom of advocacy and argument that law grants generally, as well as lend the argument a moral and prudential rather than strictly religious tenor. In this respect *Samson Agonistes* anticipates modernity’s infusion with an independent notion of legality and should not be read within the interpretative dogma of Milton’s epics, *Paradise Lost* and *Paradise Regained*, as a religious expression of man’s position in the universe and his relation to god.

Legal arguments, forms, and metaphors suggest themselves as adequate and effective for framing various relations in *Samson Agonistes*. This is an indication of the growing role of law and legal language in how people tacitly and spontaneously conceive of themselves in various settings. But the fact that legal conceptualization is used prevalently does not mean that the various speakers are aware of it. This is not unusual: *dramatis personae*, as much as actual people, may be unaware of the predominance of any theme or metaphor in their construction, interpretation, and narration of their lives. Accordingly, the forms and concepts of law inform the ways in which we interpret, shape, and act in non-legal contexts, or at least in such contexts where law is not considered a salient framework for meaning, relations, and experience.

An established tradition of interpretation of *Samson Agonistes* – which may be termed the “coherentist” interpretation – casts the tragedy as the final act in Milton’s exploration of “God’s ways to Man.”<sup>132</sup> Thus the journey begins – according to the chronology of theme, not of composition – in prehistory, with a great epic poem, *Paradise Lost*, continues in Hebrew biblical times in the form of tragic poem with *Samson Agonistes*, and concludes with humanity’s redemption in the briefer epic *Paradise Regained* – all designed, as Dylan Thomas would centuries later describe his own poetry, “for the love of Man and in praise of God.”<sup>133</sup> Here, presumably, Milton offers a clever bundle that would define religious humanism forever. This is too neat, too rigid and compartmentalized for such multifaceted creation as Milton’s. It is too out of touch with his being a man of the world, a statesman, a brilliant and original pamphleteer, essayist and critic, acutely attuned to the cultural as well as political trends of his times. Neither in his style of verse, themes, political and social views, nor in his incorporation of a secularized language of obligation, did Milton simply stray into early modernity and the separation of obligation from religion.

130. *SA*, lines 295, 300–2, respectively. For Samson’s relation to Christ and the role of the Samson myth in early Christian lore, as well as the meaning of the poem’s title, see Krouse, *The Christian Tradition*.

131. For a discussion of some shared linguistic elements between law and religion see Jonathan Yovel, “In the Beginning was the Word: Paradigms of Language and Normativity in Law, Philosophy, and Theology”, *Mountbatten Journal of Legal Studies* V (2001), p. 5.

132. Eg Radzinowicz, *Toward Samson Agonistes*, a wonderful and insightful study whose coherentist approach I dispute. For further critique of the “neo-Christian” approach to Milton criticism see the important works of Empson, Milton’s God, and Rumrich, *Milton Unbound*.

133. Dylan Thomas, *Collected Poems* (New York, New Directions Books, 1953), p. xiii.

The more I read *Samson Agonistes*, the less attractive the coherentist approach seems – at least in its all-encompassing version. When approaching “canonical” texts especially, our attention should focus on their idiosyncrasies of performance, on what they *do* and how they partake in the shaping of culture through usage of metaphorical and other poetical devices. Texts perform within culture and thus within history in ways that express paradigm shifts independently of their overt or manifest themes. While certainly a religious work, *Samson Agonistes* is also an indication – as well as forbear and agent – of the new kind of normativity talk that, following Machiavelli and Hobbes, frees itself from the confines of religious discourse.

With Hobbes (whose politics of the day were quite different, if not opposite to Milton’s<sup>134</sup>) politics became grounded in a normative framework independent of religion. The legal concept of “social contract” grew to become the prevalent metaphor in political theory. In this study I suggest that Milton, that generation’s foremost humanist, casts law as an internal grammar for social relations and as an interpretative principle in his last major work. In this, he reaches even deeper into culture, in conjunction yet beyond the scope of political theory alone. Law in *Samson Agonistes* does more than address the question of power: it is both a principle for arranging relations and a framework for constructing their meanings. Both thematically and in the very grammar of argumentation, Milton applies legal language as Samson reconstructs his turbulent life and relations to God, self, nation, foes, women and men, then invents his redemption and comes to his cataclysmic end.

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134. By and large, Milton’s politics work within the Aristotelian teleological framework from which Hobbes’ great achievement was to break loose. The following passage from Milton’s “The Tenure of Kings and Magistrates,” reflects a response of sorts to Hobbes:

It being thus manifest that the power of kings and magistrates is nothing else but what is only derivative, transferred, and committed to them in trust from the people to the common good of them all, in whom the power yet remains fundamentally and cannot be taken from them without a violation of their natural birthright, and seeing that from hence Aristotle, and the best of political writers, have defined a king, him who governs to the good and profit of his people, and not for his own ends.

Wolfe, *Complete Prose Works*, vol. III, p. 236.