

*The Excellencie
of a Free-State*



Neptune, the Roman god of the sea,
inspiring the English republic to maritime greatness.

THE THOMAS HOLLIS LIBRARY
David Womersley, General Editor



The Excellencie
of a Free-State;
Or, The Right Constitution
of a Commonwealth

Marchamont Nedham



Edited and with an Introduction
by Blair Worden



LIBERTY FUND

Indianapolis

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Introduction, editorial additions, and index

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Frontispiece: From *Of the Dominion, or, Ownership of the Sea*, by John Selden, 1652. Image is reproduced courtesy of The Bodleian Library, University of Oxford, shelfmark Vet.A3d.163.

Printed in the United States of America

C 10 9 8 7 6 5 4 3 2 1
P 10 9 8 7 6 5 4 3 2 1

Library of Congress Cataloging-in-Publication Data

Nedham, Marchamont, 1620–1678.

The excellencie of a free-state: or, the right constitution of a commonwealth/
Marchamont Nedham; edited and with an introduction by Blair Worden.
p. cm—(Thomas Hollis library)

Includes bibliographical references and index.

ISBN 978-0-86597-808-9 (hardcover: alk. paper)

ISBN 978-0-86597-809-6 (pbk.: alk. paper)

1. Political science—Early works to 1800. 2. Republicanism—Great Britain—
History—17th century. 3. Great Britain—Politics and government—1642–1660.
I. Womersley, David. II. Title. III. Title: The right constitution of a commonwealth.

JC153.N3 2010

321.8'6—dc22

2010050874

LIBERTY FUND, INC.

8335 Allison Pointe Trail, Suite 300
Indianapolis, Indiana 46250-1684

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THE THOMAS HOLLIS LIBRARY



Thomas Hollis (1720–74) was an eighteenth-century Englishman who devoted his energies, his fortune, and his life to the cause of liberty. Hollis was trained for a business career, but a series of inheritances allowed him to pursue instead a career of public service. He believed that citizenship demanded activity and that it was incumbent on citizens to put themselves in a position, by reflection and reading, in which they could hold their governments to account. To that end for many years Hollis distributed books that he believed explained the nature of liberty and revealed how liberty might best be defended and promoted.

A particular beneficiary of Hollis's generosity was Harvard College. In the years preceding the Declaration of Independence, Hollis was assiduous in sending to America boxes of books, many of which he had had specially printed and bound, to encourage the colonists in their struggle against Great Britain. At the same time he took pains to explain the colonists' grievances and concerns to his fellow Englishmen.

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David Womersley

P R E F A C E



The republican writings of Marchamont Nedham are a landmark in Western political thought. Writing in the years following the execution of King Charles I and the abolition of the monarchy in 1649, Nedham proposed an alternative to the improvised and short-lived constitutional expedients that followed the overthrow of the monarchy. Instead of clinging to remnants of the native constitution, urged Nedham, his countrymen should recover the principles and forms of republican rule that had prospered in classical antiquity. A disciple of Niccolò Machiavelli, whose methods of argument he imitated and whose reasoning he adapted to an English setting, Nedham opened the way for the more-searching or learned republican thinking of his contemporaries James Harrington, Henry Neville, and Algernon Sidney. *The Excellencie of a Free-State*, published in 1656, is the most coherent expression of Nedham's republican thought.

Nedham was no abstract political analyst. He was a hired journalist. Like his close friend and frequent literary ally John Milton, he published tracts in order to influence events. From 1650 to 1653 he wrote for the Commonwealth, which had replaced King Charles's rule. From 1653 onward he wrote for the protectorate of Oliver Cromwell. Yet behind his outward enthusiasm for the new governors of England lay sharp criticisms of their characters and measures. To recover his meanings we

need to probe the political contexts of his writings and to explore his relations with the rulers who employed him.

My introduction will attempt those tasks. It will also explore the circumstances that led to the republication of *The Excellencie* in 1767, the version in which it has been primarily known. The reappearance of the work, under the sponsorship of the wealthy English bibliophile and “commonwealthman” Thomas Hollis, belonged to a literary enterprise that has had substantial consequences for political argument on both sides of the Atlantic. Liberty Fund, the publisher of the present volume, was founded by the widely read businessman Pierre Goodrich, with the aim of promoting understanding of ideas of liberty. Hollis had the same purpose. In pursuit of it he arranged the reproduction and dissemination of seventeenth-century writings that have become known as a canon of Whig literature. Although Hollis did not claim, or achieve, for Nedham a standing equal to that of Milton, Sidney, or Harrington, he maintained that Nedham’s writing deserved attention alongside theirs. Modern perspectives on the history of political thought vindicate his assertion.

Blair Worden

ACKNOWLEDGMENTS



Editors need the aid of experts and colleagues and are gladdened when, as in my case, it comes with kindness and generosity. I warmly thank Laura Goetz and David Womersley, my guides at Liberty Fund; Susan Halpert of the Houghton Library at Harvard and Colin Higgins of the Library of Christ's College, Cambridge; and scholars Rodney Allan, Harald Braun, Justin Champion, Mark Greengrass, Rachel Hammersley, Alan Houston, Paul Rahe, and David Wootton. Two debts, both of them to skillful and enterprising young historians, are exceptional: to Richard Foster, whose assistance in the preparation of the text and the textual apparatus has gone beyond his mechanical brief; and to Moses Tannenbaum, who has supplied me with invaluable information about the reception of the eighteenth-century edition of *The Excellencie* in America.

ABBREVIATIONS



Blackburne [Francis Blackburne,] *Memoirs of Thomas Hollis*, 2 vols., continuous pagination (London, 1780)

E *The Excellencie of a Free-State* (London, 1656)

HD Thomas Hollis, Diary, MS. Eng. 1191, Houghton Library, Harvard

Knachel Marchamont Nedham, *The Case of the Commonwealth of England, Stated*, ed. Philip Knachel (Charlottesville, Va.: University Press of Virginia, 1969)

LP Blair Worden, *Literature and Politics in Cromwellian England* (Oxford, U.K.: Oxford University Press, 2007, 2nd printing 2009)

MP *Mercurius Politicus*

INTRODUCTION



Marchamont Nedham (1620–1678) was the pioneer of English republicanism. His arguments for kingless rule were first published in brief essays written in 1650–52, during the rule of the Commonwealth that followed the execution of King Charles I in 1649. In 1656, when Oliver Cromwell had become lord protector, Nedham brought the essays together in his anonymously published tract *The Excellencie of a Free-State; Or, The Right Constitution of a Commonwealth*. His advocacy gave a new direction to English political thought. Posterity has paid less attention to him than to James Harrington, the other of the two most innovative republican writers of the 1650s. Harrington, whose treatise *Oceana* appeared five months after *The Excellencie*, was the more penetrating writer, but he followed where Nedham had led. The significance of *The Excellencie* was recognized in the reign of George III by the radical Whig bibliophile and antiquary Thomas Hollis, whose promotion of works favorable to his own conception of liberty made a large impact in Europe and, still more, in America. Hollis arranged the republication of Nedham's tract in 1767. The edition he sponsored was circulated in England, revolutionary America, and revolutionary France. Since then the tract has been largely neglected until recent times, when the expansion of interest in seventeenth-century political thought revived attention to it. Now *The Excellencie* is brought back into print.

In Nedham's time as in other historical periods, political thought was a response to political events. No writer's ideas have been more closely woven with events, or been framed with a keener eye to their course, than Nedham's. To understand the choice and purposes of his arguments we must re-create the circumstances that they addressed.¹

Marchamont Nedham and the English Republic

English republicanism was a creation, not a cause, of the English civil wars.² Before them, it is true, we can find much skepticism about princely rule, much complaint about the tendency of such rule to degenerate into tyranny, and much hostility to the evils of princely courts. We also find ample interest in the politics and virtues of ancient republics, as well as a thorough acquaintance with Machiavelli, their most adventurous modern interpreter. Yet those preoccupations were compatible with loyalty to, even veneration of, the English monarchy and the rights bestowed on kings by law and custom. The Parliament that resisted Charles I, known to posterity as the Long Parliament, sat from 1640 to 1653, though it was purged of its royalist members in 1642 and of the more cautious or conservative of its parliamentarian ones in 1648. During those thirteen years the revolution was transformed. It took directions, and found targets, that would have been unimaginable to its initiators. Men who went to war with Charles I in 1642 sought to preserve what they took to be the ancient constitution and

1. I have discussed aspects of Nedham's career more fully in "Wit in a Round-head: The Dilemma of Marchamont Nedham," in *Political Culture and Cultural Politics in Early Modern England*, ed. Susan Amussen and Mark Kishlansky (Manchester, U.K.: Manchester University Press, 1995), pp. 301–37; and in *LP*. The first publication is mostly concerned with the years before 1651; the second with 1651–60.

2. I offer accounts of seventeenth-century English republicanism in David Wootton, ed., *Republicanism, Liberty, and Commercial Society, 1649–1776* (Stanford, Calif.: Stanford University Press, 1994), chaps. 1–4; and "Republicanism, Regicide and Republic: The English Experience," in *Republicanism: A Shared European Heritage*, 2 vols., ed. Martin van Gelderen and Quentin Skinner (Cambridge, U.K.: Cambridge University Press, 2002), 1:307–27.

the shared authority of king and Parliament. In their eyes Charles had subverted that authority. He had brought novel and illegal challenges to the liberty of the subject, to parliamentary privilege, and to the rights of property. Charles himself believed the Parliamentarians to be the innovators. In the year or so before the outbreak of war, they certainly assumed startling powers, both legislative and executive. Yet their initiatives were emergency measures, justified in Parliament's view by the king's desertion of his regal obligations. Parliament's target was the misrule of a particular king, not the office of kingship.

No one in 1642 would have predicted the abolition of the monarchy seven years later. That development was the result of political events, not of political theory, which through the 1640s struggled to keep up with those events. The new model army, which by 1646 had won the first civil war for Parliament, was radicalized in its aftermath. It was further radicalized by the brief but bitter second civil war in 1648, which it likewise won. Now the army turned on its political masters, most of whom it suspected of entertaining too much respect for the defeated king and too little for the soldiery. In the fall of 1648, while a parliamentary delegation negotiated with Charles for his restoration, the army resolved to move against him. In December it occupied London and forcibly purged the Commons in the operation that would become known as Pride's Purge, after Colonel Thomas Pride, who carried it out. Next month the minority of Members of Parliament whom the army had allowed to remain, or the Rump as they came to be derisively called, erected a court to try the king. The court convicted Charles as a traitor to his people and as a tyrant who had declared war on them and bore the guilt of the blood they had shed. He was executed on 30 January 1649.

How would he be replaced? When, forty winters later, Charles's younger son James II lost his throne, his opponents had an alternative monarch in the Dutch Prince William of Orange, who was ready to rule with his wife, James's daughter Mary. In 1648–49 no member of the Stuart family, outraged as it was by what it viewed as the murder of its leader, would have accepted enthronement at the hands of the murderers. Charles's opponents were too divided to choose a monarch from

among themselves, a move that anyway would have commanded no sense of legitimacy. Yet republican rule would be illegitimate too. The army's political leaders, Oliver Cromwell and his son-in-law Henry Ireton, did not seek it. In 1647 they had for a time been willing to restore the king himself, on terms in some respects more generous than Parliament's. It is true that by that time there were figures within the army's ranks, and among its civilian allies, who were sporadically expressing or implying an aversion to kingly government. But they did not devise, if indeed they even conceived of, an alternative system of rule.

Only when Charles was dead did the new rulers confront the question of constitutional settlement, and then in slow and gingerly fashion.³ Republican rule was improvised. It emerged not by design but by default. On one reading, the cloudily worded preamble to the "act abolishing the office of king," which the Rump passed in March 1649, repudiated kingship only in the unlimited form to which Charles had allegedly aspired and left open the possibility of a return to the "mixed" monarchical constitution that Members of Parliament had believed themselves to be defending in 1642.⁴ A further two months elapsed before the Rump passed an act declaring England "to be a Commonwealth and Free State." This time the government could not even agree on a preamble to vindicate the measure, which was consequently published without one.⁵ The Rump would not have been able to reach any decision about the constitutional future at any point during the four years of its power, since from 1649 to 1651 it was preoccupied by the challenge of conquering Ireland and Scotland, where royalist armies kept the Stuart cause alive. Only with Cromwell's defeat of the invading Scots at Worcester in September 1651 was the regime secure. When Parliament's attention then turned to the settlement of England, divisions opened within it. The fatal split was between Parliament and its army. In April 1653 the army, which had forcibly

3. I have described the politics of the Commonwealth period in *The Rump Parliament 1648–1653* (Cambridge, U.K.: Cambridge University Press, 1977).

4. S. R. Gardiner, ed., *The Constitutional Documents of the Puritan Revolution, 1625–1660*, 3rd ed., rev. (Oxford, U.K.: Clarendon Press, 1962), pp. 385–86.

5. *Ibid.*, p. 388.

destroyed the king, used its force to destroy the Parliament that had opposed him.

From 1649 to 1653 England was ruled not under a new constitution but by what was left of the old one. That rule was unicameral, for not only had kingship been abolished but at the same time so had the House of Lords, Parliament's upper chamber. The Lords would never have passed the legislation that sanctioned the trial of the king. To remove that obstacle the Rump had resolved on 4 January 1649 that the Commons, "being chosen by, and representing the people, have the supreme power in this nation," and were entitled to legislate unilaterally.⁶ Yet the Rump's claim to represent the people was contradicted by the absence from the Commons of that majority of representatives whom the army had purged, and by the nation's plain hostility to a regime whose very existence, which only armed force could sustain, was at odds with the respect for the ancient constitution on which parliamentarianism had taken its stand in the civil wars.

How might the country be brought round to kingless rule? Not, the government knew, by professions of the legality of the regicide or the republic. The Rump in effect acknowledged its own illegality. In the aftermath of the regicide it drew on an argument that was widely circulated in 1649–52 and that found its most famous and accomplished expression in the *Leviathan* of Thomas Hobbes (1651). Hobbes wrote, not to justify a particular form of government, but to explain the obligation of subjects to obey any government, whatever its origins, that has acquired the protective power of the sword. In treatises and pamphlets written on the Rump's behalf, the same principle was adopted by a number of lesser-known writers.⁷

None of them articulated it more effectively than Marchamont Nedham, whose short book *The Case of the Commonwealth of England, Stated* was published in May 1650 and republished later in the year. "The power of the sword," explained Nedham, "is, and ever hath been,

6. *Journal of the House of Commons*, 4 January 1649.

7. Quentin Skinner, "Conquest and Consent: Hobbes and the Engagement Controversy," in *Visions of Politics*, 3 vols. (Cambridge, U.K.: Cambridge University Press, 2002–3), 3:287–307.

the foundation of all titles to government,” and those who do not submit to its jurisdiction have no claim to “the benefits of its protection.”⁸ *The Case* has two parts. The first sets out five principles that vindicate the claims to obedience demanded by the Rump’s command of the sword. The arguments of the second part warn readers against the inducements of enemies who conspire or wish for the Rump’s overthrow. Each of four hostile groups, “the royal party,” “the Scots,” “the English Presbyterians,” and “the Levellers,” is accorded a chapter of refutation. The final chapter of part 2, offered “by way of conclusion,” takes a different course. Titled “A Discourse of the Excellency of a Free State Above a Kingly Government,” it urges the English to set aside their inherited prejudice in favor of monarchy and to grasp the superiority of republican rule. Nedham, who was an innovator on many intellectual and literary fronts,⁹ brought his powers of innovation to the “Discourse.” He used the title page of *The Case* to draw particular attention to the “Discourse” and its theme.¹⁰

Later in 1650 the young writer John Hall, who like Nedham was an employee of the Commonwealth, took up the republican case in his work *The Grounds and Reasons of Monarchy*. His career was so intimately bound with Nedham’s, and the arguments and language of the two men resembled each other so often, that their writings can be hard to tell apart.¹¹ In 1650 Nedham and Hall introduced republicanism to English politics.

Marchamont Nedham (or sometimes “Needham,” a spelling that probably indicates the contemporary pronunciation of the name, which likely would have rhymed with “freedom”) is a figure troubling to readers who expect political thinkers to pursue a disinterested search for

8. Knachel, p. 5.

9. See p. xci, n. 259.

10. Knachel, p. 1; compare *ibid.*, pp. 116–17.

11. Hall’s political writings and their affinity with Nedham’s are discussed in David Norbrook, *Writing the English Republic: Poetry, Rhetoric and Politics 1627–1660* (Cambridge, U.K.: Cambridge University Press, 1999), and in *LP*. For Hall’s career and writings see also Nicholas McDowell, *Poetry and Allegiance in the English Civil Wars* (Oxford, U.K.: Oxford University Press, 2008).

truth. He is the serial turncoat of the civil wars. In the first war he wrote for Parliament. In the second he wrote for the king. In 1649 he was caught printing royalist material and was threatened with a charge of treason. He averted it by switching his allegiance to the new rulers, who rescued him from penury with a handsome stipend. In the 1650s he supported every regime in its turn: the Rump; Barebone's Parliament, the assembly with which Cromwell replaced the Rump in July 1653 but which endured only until December of that year, when it, too, succumbed to a military coup; the protectorate, which succeeded Barebone's and which held power, first under Oliver and then, after his death in September 1658, under his son Richard, until Richard's deposition in May 1659; then the Rump again, which was restored by the army that had expelled it six years earlier; then the army after it had expelled the Rump again in October 1659; and once more the Rump when it resumed power at the end of the same year. Thereafter he supported the restored monarchy.

Nedham airily acknowledged his transfers of allegiance. Most of his political writings—*The Excellencie of a Free-State* among them—were published anonymously, but in 1650 *The Case of the Commonwealth*, his first treatise for the republic, appeared under his own name and drew attention to his conversion. “Perhaps,” its opening words declare to the reader, “thou art of an opinion contrary to what is here written. I confess that for a time I myself was so too, till some causes made me reflect with an impartial eye upon the affairs of this new government.” The passage would reappear almost verbatim in a publication of 1661 that rejoiced in the king's return.¹²

Nedham's career, which repeatedly made him the friend or enemy of politicians and writers with whom he had at least once had the opposite relationship, challenges the categories of allegiance and conduct that govern our perceptions of both the political and the literary history of the civil wars. Nedham did have one point of consistency. It lay in his aversion, which he shared with Milton, to Presbyterianism, the parliamentary grouping that had favored the return of the king

12. *The True Character of a Rigid Presbyter* (London, 1661), preface.

in 1648 and that was the common enemy of royalism and the republic. He detested it less for its political goals than for its commitment to religious intolerance and for the scope it gave to clerical dogmatism. Yet no other enemy of Presbyterianism swung so blatantly between the alternatives to it. To contemporaries he was “that speckled chameleon,” “a mercenary soul,”¹³ “a cat that (throw him which way you will) still light[s] on his feet.”¹⁴ Nevertheless, it would be a mistake to think of Nedham merely as a hack polemicist, tamely obedient to the demands of his successive employers. If he needed their payment and protection and the outlets his masters gave him for literary expression, the masters themselves needed his exceptional skills of persuasion. Even as he supplied the propaganda they required of him, he found a means of asserting, with resourceful obliqueness, an individuality and independence of voice. Where, if anywhere, his own convictions lay cannot be authoritatively decided. What we can say is that within each public position he adopted, and most of all in his republican writing, he contrived to open a gap between opinions he was called on to propagate and ones he simultaneously fostered. “In our late wars,” he recalled in 1652, “the pen militant hath had as sharp encounters as the sword, and borne away as many trophies.”¹⁵ No writer, not even the dazzling royalist journalist Sir John Berkenhead, who was a rival of Nedham’s in the first civil war and a collaborator in the second,¹⁶ bore off as many trophies as he. Nedham won them largely through his management of news. But it was his polemic that politicians valued or feared most. His success enabled him to test to the limit the patience of his employers, or anyway the more conventional or mainstream of them, who found in his writings much to anger or trouble them.

13. *LP*, p. 27.

14. Quoted from the fourth page of (the confusingly paginated) *A Word for All: Or, The Rumps Funeral Sermon* (1660) in Paul A. Rahe, *Against Throne and Altar: Machiavelli and Political Theory Under the English Republic* (New York: Cambridge University Press, 2008), p. 177.

15. Epistle dedicatorie in *Of the Dominion of the Seas* by John Selden, trans. and ed. Nedham (London, 1652).

16. Peter W. Thomas, *Sir John Berkenhead 1617–1679: A Royalist Career in Politics and Polemics* (Oxford, U.K.: Clarendon Press, 1969).