

Introduction

This book argues that freedom of speech was considered to be a significant civic virtue in the early years of the seventeenth century. Its nature and limits were the object of sustained and sophisticated debate in a wide range of areas, and it was one of the ‘liberties of the subject’ fought for by individuals and groups across the political landscape. More than this, discussions of free speech raised serious questions about what it meant to live in a free state, and how far England was from being such a state.¹ My intention is to show how freedom of speech was conceived positively in the period from *c.* 1603 to 1628. This book thus engages with recent work on censorship and the control of print, on manuscript culture, and on early modern conceptions of liberty.² It makes use of the techniques of literary, intellectual, and political history in its attempts to recover some neglected aspects of the political language of early modern England; and it draws on the work of scholars such as David Norbrook and Quentin Skinner in arguing that political, literary, and rhetorical texts and traditions worked together to allow people in this period to take on public identities as citizens.³ To conceive of free

¹ On early modern conceptions of the free state and their relation to ideas of the freedom of the subject, see Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998), esp. pp. 23–36.

² See especially Cyndia Susan Clegg, *Press Censorship in Jacobean England* (Cambridge: Cambridge University Press, 2001); C. S. Clegg, *Press Censorship in Elizabethan England* (Cambridge: Cambridge University Press, 1997); S. Mutchow Towers, *Control of Religious Printing in Early Stuart England* (Woodbridge: The Boydell Press, 2003); Harold Love, *The Culture and Commerce of Texts: Scribal Publication in Seventeenth-Century England* (Amherst: University of Massachusetts Press, 1998); Alastair Bellany, *The Politics of Court Scandal in Early Modern England: News Culture and the Overbury Affair, 1603–1660* (Cambridge: Cambridge University Press, 2002); Andrew McRae, *Literature, Satire, and the Early Stuart State* (Cambridge: Cambridge University Press, 2004); J. H. Hexter (ed.), *Parliament and Liberty from the Reign of Elizabeth to the English Civil War* (Stanford: Stanford University Press, 1992); Glenn Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven: Yale University Press, 1996); Skinner, *Liberty before Liberalism*.

³ See Skinner, *Liberty before Liberalism* and ‘John Milton and the Politics of Slavery’, in Skinner, *Visions of Politics*, three volumes (Cambridge: Cambridge University Press, 2002), volume II: *Renaissance Virtues*, pp. 286–307; David Norbrook, *Writing the English Republic: Poetry, Rhetoric and Politics*,

speech as a prerequisite not only of a free subject, but of a free state, entailed a critique of the existing political system that did not necessarily lead to anti-monarchism, but did require a rethinking of the role and powers of the monarch that was regarded as unacceptable by both James I and Charles I.

There are, moreover, several areas of some importance to free speech debates in the period that I have deliberately not discussed. There is no extended treatment of the place of satire here: this is, in part, because this important genre is the subject of a recent monograph by Andrew McRae.⁴ Censorship has been the subject of much recent research, and my desire has been to study what might be seen as the other side of the free speech debate, concentrating on positive conceptions of freedom of speech rather than identifying it only at the moment of its repression.⁵ Slander, similarly, is an area whose focus on questions of personal honour and reputation is somewhat distant from the questions that most concern me here.

While I pay some attention here to instances of speech being restrained or punished, I am concerned to move away from examining cases of restriction that we can retrospectively identify as free speech issues to instances of early modern individuals themselves discussing freedom of speech. This book asks what range of meanings was available for seventeenth-century discussions of the subject, and how these framed both a conceptual language and a practice of frank speaking in the period. What did it mean for Thomas Wilson to discuss ‘freenesse of speache’ in *The Arte of Rhetorique*; or for Thomas Scott to rejoice at the restoration of ‘lawfull libertyes, and freedome of speech’ in his *Vox Dei* of 1624; or for Sir Henry Poole to announce in 1621 that ‘There is nothing so dear to the subject as liberty, no liberty so good as that in parliament, none in parliament greater than the freedom of speech’; or for a compiler of a manuscript miscellany to place a libel against Francis Bacon close to copies of proceedings in Parliament concerned – as his marginal note says – with freedom of speech? What did these people mean when they referred to freedom of speech? How would their readers or auditors have understood them, and what traditions would they have drawn upon in order to do so?

In their discussions of freedom of speech, people in early Stuart England drew upon a number of intellectual traditions. They took what was to hand, and they adapted it to their own circumstances. At the same time, especially

1627–1660 (Cambridge: Cambridge University Press, 1999). See also Markku Peltonen, *Classical Humanism and Republicanism in English Political Thought, 1570–1640* (Cambridge: Cambridge University Press, 1995).

⁴ See McRae, *Literature, Satire, and the Early Stuart State*.

⁵ See Clegg, *Press Censorship in Jacobean England* and *Press Censorship in Elizabethan England*.

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in the invocation of classical precedents, they attempted to understand, or mould, the situations in which they found themselves by describing them in terms derived from cultures very different from their own. At the heart of early Stuart debates on free speech was the question of how best to advise a prince – the question of counsel. Almost all the authorities on this subject, from the Bible to the humanists of the previous century, agreed that the prince and the commonwealth benefited from a plenitude of advice, and that that advice should always be as frank as possible. But it was also a truism that virtue was not always dominant in either the prince or the counsellor, and that the temptation to flatter instead of admonish was a strong one. Perhaps the prince was quick to anger, or acutely aware of the social distance between himself and his advisers; perhaps the adviser was more concerned with his own interests than with those of his king or country. History abounded with examples of counsellors becoming servile in order to save their own skins or advance their careers, or, most importantly, because their capacity to speak freely was subject to the will of their prince.⁶ Moreover, as writers such as Plutarch had shown many centuries ago, the flatterer was not just adept at saying soothing words to his prince: he was aware of the value of some well-chosen false frankness. As I show in the first chapter of this book, apparent freedom of speech might be flattery in disguise, and it was the responsibility of the prince and his other counsellors to distinguish between the two.

The language of counsel provided a framework for understanding government in early modern England: its intricacies seemed to address virtually every problem that might arise in political life. It was a growing and developing language, and one that changed each time it was used to analyse events and situations. When, in the Parliaments of 1624–6, MPs attacked the Duke of Buckingham as a prototypical purveyor of evil counsel and monopoliser of the king's ear, they could invoke biblical injunctions on the importance of many counsellors (often drawn from the Psalms), classical Latin critiques of over-influential advisers, prosecutions of over-mighty subjects (such as Empson and Dudley in the reign of Henry VII), or humanist works on the education of princes and counsellors (such as Erasmus' *Education of a Christian Prince* or Sir Thomas Elyot's *Book named the Governor*). Local and immediate concerns were interpreted with the help of inherited traditions, in the course of which these traditions were themselves modified. The terminology and the argumentative strategies used to describe, practise, and defend freedom of speech were thus at once highly specific to

⁶ See Skinner, *Liberty before Liberalism*, pp. 36–57.

the ideological and political culture of early Stuart England and part of a continually developing tradition.

My purpose here, then, is to trace the traditions and languages on which early Stuart discussions of freedom of speech relied, and to describe and analyse their subsequent application. Freedom of speech was, I argue, conceived of as a duty and a right. Despite the currency of a highly developed language of rights in the realms of moral and political philosophy from well before the period of discussion, however, the language of rights used in relation to freedom of speech tends to be of the order of basic assertion rather than theoretical complexity. In fact, in many of the arenas of debate that I treat here, terms such as ‘liberty’, ‘freedom’, and ‘right’, whose precise limits and applications were being carefully defined in relation to human action and in the sphere of jurisprudence, are used interchangeably in relation to speech.⁷ Debates on freedom of speech were predominantly pragmatic: they were linked to the practices of civic life. The importance of such a pragmatic conception of free speech is something I return to in the Epilogue as part of a reflection on the implications of this study for current thinking on the subject.

One of the defining qualities of freedom of speech in the early seventeenth century was its limitation: it was not conceived as anything like a universal right. Yet the limits that were placed on it were not themselves stable. They could include more or less fixed categories such as social status (a gentleman might be considered to have more right to freedom of speech than an artisan) or institutional affiliation (MPs had a formal right to freedom of speech when Parliament was sitting); but in the absence of any detailed written guarantee of even such limited rights, other arguments and other criteria were brought into play, and even apparently fixed categories could be pliable. In the case of parliamentary freedom of speech, which was the only formally secure version of the right, it could be argued that MPs’ rights extended to anything written or said during a session (‘in Parliament time’), and some argued that those rights even extended to other citizens writing at such a time: this was the position taken by the authors of the Admonition to Parliament in 1572.⁸ On the other hand, Tudor and Stuart monarchs regularly attempted to put limits on parliamentary freedom of

⁷ Exceptions to this statement can be found in some of the parliamentary debates (see chapter 3 below), where the terms have rather precise local meanings. On the history of theories of subjective rights, see Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge: Cambridge University Press, 1979); Annabel S. Brett, *Liberty, Right, and Nature: Individual Rights in Later Scholastic Thought* (Cambridge: Cambridge University Press, 1997).

⁸ See Clegg, *Press Censorship in Elizabethan England*, p. 51; A. N. McLaren, *Political Culture in the Reign of Elizabeth I* (Cambridge: Cambridge University Press, 1999), p. 177.

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speech, arguing that some areas of policy were outside its remit and that some instances of what MPs claimed was free speech were in fact licentious or treasonous talk.

In early Stuart discussions of freedom of speech, what seventeenth-century writers called ‘decorum’ was all important. Consideration of the time at which, the place in which, and the persons to whom one was speaking all played a large part in the way in which claims to the right or obligation to speak out were framed. They could, moreover, affect those claims from the point of view of the speaker or the audience. That is, an individual might claim that his right to free speech was determined by the fact that he was in Parliament or that the extremity of the times required extraordinary outspokenness; or he might argue that his own civic identity varied contextually, with different circumstances (the apparent misgovernment of the realm by a bad counsellor, for example) requiring different kinds of identity as well as action. Depending on where and when they were speaking, early Stuart persons could think of themselves as inhabiting the role of an active counsellor or of a more or less passive subject. This is not to suggest that political identities were so protean as to be entirely unstable or inconsistent, or that political positions were only taken in reaction to local and immediate pressures, with no thought of broader ideological commitments. Rather, different kinds of loyalties and actions might be invoked by specific circumstances while at the same time relying on an established set of beliefs or traditions of thought. As Patrick Collinson puts it, writing of the overlapping political communities of early modern England, ‘citizens were concealed within subjects’.⁹ Thomas Scott, the puritan pamphleteer, who plays a large part in chapter 2 of this book, argued that although he was nominally a lowly minister of the church who owed loyalty and obedience to his monarch, the times in which he found himself were so dangerous, the threats from Spanish intrigue so clear and present, that he was obliged to enter the public realm and take on the voice of a prophet: ‘necessitie’, he asserted, ‘supplie’s the place of an ordinary calling’.¹⁰

The emphasis on decorum that I have been describing as a key feature of early Stuart discussions of freedom of speech, the importance of adapting to circumstances, and the absolute centrality of persuasiveness as a quality of that speech, are all elements of rhetoric. The suffusion of rhetorical modes of speech and thought throughout early modern culture is familiar to us, and recent work has expanded our knowledge of the ways in which this

⁹ Patrick Collinson, ‘*De Republica Anglorum*: Or, History With the Politics Put Back’, in *Elizabethan Essays* (London: The Hambledon Press, 1994), pp. 1–29, at p. 19.

¹⁰ [Thomas Scott], *Vox Dei* (n.p., n.d. [1624]), sig. D.

set of skills was taught and used, and of how its categories inflected ways of thinking about and organising the world more generally.¹¹ Free speech is most often considered now as the very opposite of rhetoric – as a plain and unornamented form of utterance whose characteristics are honesty and bluntness, and which is distinct from speech acts whose primary intention is to persuade or move an audience by the manipulation of linguistic forms. In early Stuart England, however, freedom of speech was consummately rhetorical – most notably in the sense that there was a rhetorical figure of free speech, *parrhesia* (or, in Latin, *licentia*). *Parrhesia* is the subject of my first chapter, and I show there how its meanings shifted and were manipulated from its earliest uses in ancient Greek drama and oratory, through its codification as a rhetorical technique in Roman handbooks, to the digest and translation of those handbooks in the sixteenth and seventeenth centuries. *Parrhesia* begins as the name of a quality of speech belonging to citizens in the Greek polis – speech reflecting their status as free men. In Greek and, later, Roman rhetoric, it describes a kind of frank admonition addressed to one's audience; but it also comes to refer to the apology that is made before such an exclamation. The author of the *Ad Herennium* goes even further, and suggests that self-consciously announced frankness can even be a cloak for flattery; and it is the tension between apology and outspokenness, openness and deception, that is taken up in Renaissance rhetorical treatises. There an awareness of the importance of frank speech to the orator as a civic figure is balanced and, finally, I suggest, overcome, by concerns about the dangers of unseasonable counsel and the difficulty of applying republican virtues to a monarchical context. Freedom of speech remains rhetorically coloured, and the rhetorical tradition of *parrhesia* is an important strand of the theory of counsel.

Parrhesia is not only a rhetorical term, however, and in chapter 2 I explore an area – that of religious culture, specifically preaching and pamphleteering – where the word was made part of a quite different tradition. The counsellor's freedom of speech was a prerequisite for the proper fulfilment of his duty, and both republican and imperial versions of the classical past insisted that frankness was a central virtue of the adviser. The compulsion to speak out thus came from a desire or necessity to be virtuous, as well as from the firmly held belief that ultimately the safety of the realm was more important than either one's own safety or the comfort of the ruler. In

¹¹ See primarily Ann Moss, *Printed Commonplace Books and the Structuring of Renaissance Thought* (Oxford: Clarendon Press, 1996); Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press, 1996); Peter Mack, *Elizabethan Rhetoric: Theory and Practice* (Cambridge: Cambridge University Press, 2002).

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the Christian tradition, which English humanists in the late sixteenth and early seventeenth century attempted ingeniously to wed to their beloved classical exemplars, freedom of speech was an attribute of the true believer when facing persecution. Bearing witness to Christ and to the truth of one's faith, even in the face of death, was an obligation placed upon all Christians. The history of the early church abounded with examples of clerics (usually bishops) taking a firm stand against emperors, asserting the range of their authority and the supremacy of the law of God over the law of the *saeculum*. Early Stuart churchmen thus appealed to the biblical and early Christian tradition of religious *parrhesia* when dealing with what they saw as the encroachment of secular authority on the realm of conscience, and laid claim to the right to admonish monarchs. Hugh Latimer's sermons before King Edward VI were the apogee of this tradition in the sixteenth century, and represented, to some extent, the temporary triumph of religious *parrhesia*: Latimer's sharp counsel, in the mould of St Ambrose, was not just tolerated, but invited.

Under James I and his son Charles I, bishops, and preachers more generally, were more circumspect, and I analyse the deft and decorous means by which a successful court preacher such as John Donne adapted his advice to take account of anxiety about the power of the pulpit in the early seventeenth century. It is, I go on to argue, in the religious pamphlets of figures such as Thomas Scott and John Reynolds that the traditions of Ambrose and the Apostles are most vigorously followed in this period. Scott was not a bishop but an ordinary minister of the Word, and yet the extremity of the times in which he found himself, with the court prey (as he saw it) to the pernicious influences of Spanish popery, led him to take on the mantle of a prophet and the voice of an apostle, and to produce outspoken fictions. These plausible narratives claimed to offer greater truth than the accounts that were being presented to the people by the king and his officials. Scott claimed to speak on behalf of the commonwealth, and to be impelled to do so by his conscience, his duty as a subject, and the operations of the Holy Spirit. His freedom of speech, that is, was specific to the times, and not something that he would claim in times of safety. Blending a committed humanist republican outlook with a militant Protestant belief in the need for international resistance to Roman Catholicism, he established himself as an archetypal unofficial religious counsellor. He was unwarranted by the institutions of government, unprotected by institutional privilege, but, as he saw it, just as obliged to speak frankly to his superiors as was St Paul.

Members of Parliament were not only warranted as counsellors (by the writ of summons that was issued before each session) but afforded a formal

right to freedom of speech in their debates. In chapter 3 I examine how this right was used, debated, extended, and criticised during the Parliaments of James I and the first two of Charles I. Parliamentary freedom of speech was a frequent subject of debate during this period, and I argue that rather than being skirmishes over a limited and relatively insignificant privilege or smokescreens for the pursuit of vendettas concerning the power of influential peers, as has sometimes been suggested, these debates were in fact central to many of the most important and far-reaching conflicts in early Stuart politics. MPs claimed freedom of speech in order to treat grave issues of fiscal, religious, and foreign policy; both to advise the king, and to warn him against evil counsellors. James and Charles were concerned to set the limits of parliamentary freedom of speech themselves, however, and the early years of the seventeenth century saw this only recently established right subjected to a multitude of different tests and definitions. Many MPs, drawing on the classical humanist traditions discussed in my first chapter, regarded their right to freedom of speech as of a piece with, and essential to the maintenance of, a whole range of other rights they possessed as MPs or as subjects – roles that overlapped, rather than being mutually exclusive. They claimed that since the ability to speak out for the safety of the realm was essential to their identity as counsellors, its forcible removal by others, or its relinquishment by themselves, would entail their reduction to a servile status. As with many of the debates over the extent of the king's power over his subject's property, when discussing freedom of speech MPs increasingly claimed that it was not any specific threat to their speech on the part of the king that worried them most: it was his very possession of power to control that speech. If they were always subject to the king's definition of what was loyal frankness and what licentious boldness, then they could not act or speak freely; hence they demanded, repeatedly, to be able to set the limits of parliamentary free speech themselves, and to be responsible for the punishment of those who overstepped the boundaries that were agreed by the House of Commons. In the debates on freedom of speech in the early Stuart Parliaments many of the arguments outlined in my discussion of counsel are put to use. Moreover, those debates, far from being purely dependent upon the special character of parliamentary free speech, in fact frequently rely upon the notion that Parliament, Members of Parliament, and parliamentary speech are – or should be – representative of the commonwealth at large.

Parliament was both a very particular locale with its own conventions and privileges and an institution that was taken by many to have a truly representative function. Having examined, in chapter 3, the ways in which

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MPs deployed arguments about free speech taken from extra-parliamentary traditions, in my final chapter I analyse some cases of parliamentary debate being followed and engaged with outside the institution. Political information and news of various kinds were collected avidly by people in early Stuart England, and one of the main resources they employed to amass, preserve, and process this material was the manuscript miscellany. One of the most important aspects of the manuscript miscellany for this study is its very miscellaneousness; that is, the degree to which a very broad range of texts is collected in its pages by its compiler and read alongside one another. One might find records of parliamentary proceedings (from manuscript, printed, or oral sources) alongside libellous poems, extracts from printed books, *sententiae*, and sermon notes. The compilers of these miscellanies, I argue, think that the various texts copied are susceptible to the same kind of reading techniques, rather than being divided by generic categorisation or by issues of origin and trustworthiness. For example, a set of libels might address the same subject treated in parliamentary reports, and these in turn will be informed by extracts from printed works. I am especially interested in the way that libels are used in this context: even in the best of recent scholarship, they tend to be read in isolation from the other contents of the miscellany where they appear, and are thus interpreted as local and responsive to the individuals or events to which they refer. If we instead consider the miscellany *in toto*, both libels and parliamentary debates can be seen as part of a wider concern about the counsel that was allowed to reach the king and the range of information that was allowed to reach his people – precisely the kinds of argument, as I have suggested, that are central to the idea of free speech in this period.

By concentrating on the contents of manuscript miscellanies, I wish to suggest not that a culture of political opposition can be identified in the country during the early seventeenth century, but rather that the very desire to collect material on freedom of speech and counsel made individuals into civic beings. Private individuals, in thinking of themselves as citizens and using texts to develop their political language, took on public personae and thus laid claim to the right and obligation to speak, write, and read freely and to participate in the governance of the realm. This is the case even when that participation led to the desire for quietude and non-participation, as in the case of Sir William Drake, whose reading habits have been meticulously reconstructed by Kevin Sharpe.¹² Sharpe is at pains to point out that

¹² Kevin Sharpe, *Reading Revolutions: The Politics of Reading in Early Modern England* (New Haven: Yale University Press, 2000).

although Drake read voraciously in political philosophy on the kinds of issue I have been discussing, this did not make him a revolutionary. This is surely true; but it did mean that he was an active critic of the political world, and that – whether he would have liked it or not – made him a citizen. My discussion of manuscript miscellanies in chapter 4 is intended, with the preceding chapter, to contribute to the debate over the relationship between the localities and the political ‘centre’ of early Stuart England, and I concur with those scholars who have suggested that this relationship was a dynamic and mobile one. This is, at least in part, because MPs themselves were also important figures in their own counties, and tended to spend rather more time performing local civic duties such as administering their estates and acting as Justices of the Peace than they did sitting at Westminster.

Manuscript was still a vital medium in early Stuart England, and as well as avoiding the hurdles of the licensing system that scrutinised printed books, the production of a manuscript miscellany was a way for individuals to organise knowledge and to share texts and opinions with like-minded neighbours and acquaintances. The interest in freedom of speech evinced by many miscellanies is, I suggest, highly significant for our understanding of the way that people in early Stuart England thought about their rights and their political identities.

Throughout this book I argue that the only way we can come to a fuller understanding of early Stuart conceptions of freedom of speech is by attending to, and seeking the origins of, the terms in which such conceptions were couched. As I have suggested, this requires both a concentration on the highly specific forms that vocabularies took during the period under consideration and an awareness of their origins and histories. It is necessary, then, briefly to discuss the chronological choices I have made in writing this study. I have chosen to concentrate on the relatively short period from 1603 to 1628 partly because the early Stuart period has been neglected in previous narratives of the history of free speech. I have been concerned to fill in some of the gaps between the *causes célèbres* of the sixteenth century (such as Peter Wentworth’s speech in 1576 or John Stubbs’s prosecution in 1579 for writing the *Gaping Gulf*) and the breakdown of censorship and so-called explosion in print at the beginning of the Civil War. My account is not intended to create a still smoother pathway from repression to freedom; rather, I hope to show just how complex and discontinuous the history of a category such as freedom of speech is. I have, accordingly, resisted the temptation to take this story up to the 1640s precisely to avoid suggesting that the debates and conflicts I describe led more or less inevitably to conflict between crown and Parliament. I do believe, as will be clear, that many of